

## Parliamentary Control of Public Expenditure

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THE title of this paper may suggest to some cynics that its author is going to talk about William Ewart Gladstone and the ideals and purposes of his Parliamentary associates rather than with a live subject of topical interest. Has not Parliament, they may ask, given up as a hopeless ideal the attempt to limit and control expenditure? Some may even add, not without some apparent justification, that on the whole this is a good thing because recent history shows that Governments—independent of party—are constantly resisting efforts by back-bench Members, of their own party as well as of the Opposition, to put further burdens on the Exchequer. This, they may say, is an inevitable consequence of universal suffrage; Members of Parliament have to pay regard to the wishes of their constituents and, though they would deny that they are merely delegates bound to advocate in Parliament what the majority of their constituents want or think they want, they cannot forget that an election is pending in less than five years and they would be more than human if they entirely ignored the wishes of their constituents.

There is no doubt some substance in this cynical view, and there has certainly been a change even in the last quarter century in the general attitude of back-bench Members of Parliament to questions of expenditure. The number of Members who now consistently press economy on the Government is much smaller than it was. Even those who press for economies in some directions, such as reduction of staff in Government Departments, may well press for much greater expenditure in other directions, such as building new roads. There appears to be a growing feeling that the back-bencher is free to press for additional expenditure in any particular way that appeals to him and it is the Government's duty to obstruct or at least to point to the financial consequences. The financial conscience of the nation, which, so far as one can gather, was in Gladstone's day shared broadly by the whole House of Commons, is now largely the prerogative of the Crown and the Executive though some back-bench Members and certain organs of the Press do spasmodically urge the cause of economy. How completely has the position changed from that recorded in our history books, whose pages show that for some six centuries up to the end of the nineteenth the constant fight was between the King and his Government who wanted to spend more money and Parliament who wanted to limit their grants so as to prevent more taxation!

A full examination of the reasons for this change would merit a paper in itself. They appear to be bound up primarily with the growth of democracy and the enlargement of the franchise. But they may be partly related to a tendency which has been noticeable in some Government Departments and

also, maybe, in some local authorities. Experience in Government Departments seems to show that the stronger the control which is vested in the finance branch the weaker is the sense of financial responsibility among the administrative branches. The ideal of course is that every administrative officer should develop a full sense of financial responsibility, but that has proved to be very difficult when the Chief Finance Officer has the predominant say on all matters of expenditure. This does not mean, of course, that the finance branch should be a mere accounting organisation, but rather that an ideal system would recognise the financial responsibility of all officers. Is it possible that, with the vast growth and complexity of public expenditure in recent years and the inevitable interest of the Treasury in nearly every political issue, individual Members of Parliament have unconsciously lost some of their old sense of financial responsibility, feeling that financial issues are safely left to the Treasury?

### *Separation of Income and Expenditure*

It may be, too, that our Parliamentary system tends to encourage a divorce between considerations of income and of expenditure. They are really only brought together in the Budget. "Ways and Means" on the one side and "Supply" on the other, to use the old terms enshrined in Parliamentary phraseology, are given separate treatment. Proposed Supply expenditure is dealt with in Estimates, considered by the Committee of Supply, voted by the House and in the end legally apportioned in the Appropriation Act. The raising of the income to meet the expenditure is dealt with by the Committee of Ways and Means and new proposals of the Budget for raising the income emerge in the Finance Act. It is true, of course, that the Committees of Supply and of Ways and Means are both Committees of the whole House and are therefore composed of the same Members, but in voting supply or debating Bills involving increased expenditure Members do not at the same time have to consider how the money to meet the expenditure is to be found.

I sometimes think it might be a healthy thing if it became customary in the House of Commons for all references to substantial expenditure to be accompanied by a short statement of their effect on taxation. If, for instance, a Member asks for £60 million more voted money to be spent on roads or colonial development or old age pensions, he might be expected to indicate that he is advocating the equivalent of fourpence more on the standard rate of income tax or 3½d. more tax on a packet of 20 cigarettes. If he presses for payment of post-war credits he should indicate how the money is to be found; if he suggests payment out of the Consolidated Fund, he should indicate how much the national debt and interest thereon will be increased. Similarly, if a Minister indicates the Government's intention to give so many millions to a Colony or to increase the Assistance Board's rate by so many shillings, he might usefully indicate at the same time the equivalent in increases of Purchase Tax or beer duty. This might do something to associate income and expenditure in the minds of Members and encourage a greater sense of financial responsibility.

One difficulty of course is that the Exchequer derives its income from so many different sources and it is not possible, except in the case of broadcast

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receiving licences, to indicate from what particular source any additional expenditure would be met. *Prima facie* this should be easier in local government because there is only one main source of income and it is comparatively easy to relate the cost of any development to the product of a penny rate. My impression is that in consequence income and expenditure are more closely related to each other in the minds of local than of national representatives, but I shall no doubt be corrected if I am wrong.

## GROWTH OF PARLIAMENTARY CONTROL

Most of us remember—perhaps rather vaguely—from our school lessons that the pages of British history are full of records of the long, long struggle between the King and Parliament for control over taxation and expenditure. Present Parliamentary procedure bears many traces of this long controversy, and it may not be amiss if I cite a few of the main stages in the struggle before proceeding to deal with present practice.

The main instrument in the hand of Parliament has throughout been appropriation—that is, the attachment to grants to the King of conditions as to how those grants shall be used. In the early days the King's own income was normally sufficient to enable him to meet the expenses of Government, but when wars were undertaken costs increased and the King was compelled to come and ask the people's representatives to raise additional money. This gave them their opportunity. The first recorded instance was in 1353 when a subsidy on wool was granted to be applied solely to the purposes of war and not to be spent by the King on "wine, women and song." A similar condition was attached to a grant by Parliament in 1426, but generally in Tudor and early Stuart times appropriation was only occasional.

After 1688 appropriation began to be recognised as part of the normal system of Parliamentary control, and taxes to be established on a yearly basis. We begin here to see the embryo of our modern system, but it was not until 1832 that Parliament required any Department to submit accounts showing how the money voted had been spent. This procedure was applied first to the Navy in that year, but it was found to be a useful corollary to strict appropriation and was extended to the Army in 1846 and the Office of Works in 1851. Ten years later, on the initiative of Mr. Gladstone, the House of Commons set up a Committee of Public Accounts to examine the detailed accounts so presented.

In the meantime Parliament had, by an Act of 1785, created "Commissioners for Auditing the Public Accounts," but these were subordinate to the Treasury until 1834 when they were made directly responsible to the legislature.

### "1866 And All That"

From the beginning of the nineteenth century Parliament had been taking an increasing interest in financial control, and a number of Parliamentary Committees were appointed to examine different aspects of the problem. The culmination was the Exchequer and Audit Departments Act of 1866, which established what is to all intents and purposes our present system of Parliamentary control of public expenditure.

Under this Act all Departments in receipt of moneys voted by Parliament

were required to render detailed accounts, called Appropriation Accounts, annually to Parliament. These accounts were to be signed by the officer in each Department appointed by the Treasury to act as Accounting Officer. They were to be submitted by specified dates to a new officer appointed under the Act quite independent of the Government and designated Comptroller and Auditor General, who was to examine them, certify their correctness and report on them to the House of Commons. The Comptroller and Auditor General was to combine the functions previously carried out by the Auditor of the Exchequer (originally appointed in 1314) and by the Commissioners for auditing the Public Accounts, who had been created in 1785. He was to hold office "during good behaviour," subject to removal by an address from the two Houses of Parliament, and his salary was charged, like that of judges, on the Consolidated Fund. He was to be assisted by a newly created Department, called the Exchequer and Audit Department.

#### *Control Over Exchequer Issues*

It was also provided in the Act of 1866 that the Comptroller and Auditor General should "from time to time" grant to the Treasury on their requisitions credits out of the Consolidated Fund, into which all revenue is paid, if he was satisfied of their correctness. This is an important provision not, I think, generally appreciated, by which Parliament, through its officer, can make certain that the Executive Government cannot obtain any advances which have not been duly approved by the House of Commons. In practice "time to time" means every working day of the year. The Treasury send to the Comptroller and Auditor General, whose full title by the way is "Comptroller General of the Receipt and Issue of Her Majesty's Exchequer and Auditor General of Public Accounts," a demand every afternoon for the issue out of the Exchequer of such sums as are needed to finance the many activities of Government. He examines these demands, and, if he is satisfied that they are in accordance with Parliamentary authority, issues Credit Notes the same evening authorising the Banks of England and Ireland to issue the money. In practice, of course, the Treasury in these enlightened days do not deliberately ask for any advances which Parliament has not authorised, though occasional slips may be made. But this provision of the 1866 Act embodies the important constitutional principle of prior Parliamentary control over all issues from the Exchequer, and the procedure today is exactly the same as that which was originally laid down by Parliament nearly 90 years ago.

#### PRESENT MACHINERY OF CONTROL

For many years now the right of the House of Commons to exercise complete control on behalf of the taxpayers over the way in which the Government spends the nation's money has been undisputed. The House of Lords is scrupulous in avoiding any appearance of encroaching on the rights of the Commons in this respect, and any Government which attempted to by-pass the recognised Parliamentary procedures would soon find itself in trouble. Although, as I indicated at the beginning of this talk, there appears in recent years to be a growing tendency for Members of Parliament



to try to bring pressure on the Government to spend more and more, it is remarkable how back-benchers of all parties still retain the time-honoured tradition of guardians of the public purse if there is the slightest suspicion that the Government are failing in any way to secure complete Parliamentary authority for every penny spent.

What then are the main safeguards by which the House of Commons seeks to protect the interests of the taxpayers? Before the beginning of each financial year it requires the Government to lay before it estimates of its proposed expenditure. The Estimates for Supply expenditure are prepared in great detail and are divided into some 187 different Votes. The numbers, grades and salaries of all civil servants are given for each Department. The Estimates are divided into sub-heads and often sub-sub-heads and give Parliament as much information as can reasonably be required by the severest critic except in regard to a few items like the Secret Service and Defence Research where security considerations prevail.

The sums annually voted by Parliament are available only to defray charges which have come in course of payment during the year and any unspent surplus at midnight on 31st March has to be surrendered to the Exchequer. In order to enable Government business to be carried on from the morning of 1st April, the House must have passed a Vote on Account allotting to each Department roughly one-third of what it has asked for in its Estimate; this gives the House four months to examine the Estimates in detail and grant supply before finally appropriating the money in the Appropriation Act, which is generally passed by early in August.

#### *Examination of Estimates*

During these four months examination of Estimates is, in theory at least, the main task of the Committee of Supply. The Standing Orders of the House of Commons provide that "26 days, being days before the 5th of August, shall be allotted to the business of supply in each session." These "Supply Days," as they are called, enable the whole House to discuss a considerable number of the Estimates; the particular Estimate chosen for each day is determined by the Opposition, and the Government cannot prevent the consideration of any grant which the Opposition may wish to criticise or curtail. But, of course, the whole House is much too large to get down to any detailed examination of Estimates, and in any case there is the time-honoured tradition that the representatives of the people have the right to air their grievances or those of their constituents before voting supply. In practice, therefore, these days are devoted to a general discussion of any subject which the Opposition may choose and a reduction in the Estimates is about the last thing that is ever expected to result. It is true that the debate may take place on the motion that such and such an Estimate should be reduced by £100 or £1,000, or sometimes, if the Opposition wish to attack some particular Minister, a motion that his salary should be reduced by £100. But the debate invariably deals with general questions of policy or administration and is not directed to considering whether particular items in the Vote can or cannot be reduced.

May I give an illustration of this from my personal experience? I happened to be Private Secretary in 1924 to Mr. Tom Shaw, who was the

Minister of Labour in the first Labour Government. At that time the Conservatives were challenging the action or inaction of the Government in dealing with unemployment. Of course any active steps to stimulate employment lay rather in the field of the Treasury and the Board of Trade than in the power of the Minister of Labour. But the Conservatives elected to put down the Ministry of Labour Estimate for nominal discussion and moved the reduction of Mr. Tom Shaw's salary by £100. He was perhaps not fully acquainted with the forms of Parliamentary procedure and took the motion more personally than was intended. The result was his famous speech in which he said that it was not in his power to produce schemes for the relief of unemployment like rabbits out of a hat and why then should the House be invited to reduce his salary by £100. Two days later he had to attend a meeting of the Privy Council and had to wear a top hat and morning coat—which were certainly not his customary garments; but his native Lancashire common sense prevented his accepting the challenge of some of his friends to appear that afternoon in the House in the same garb!

#### *Estimates Committee*

For some thirty years now, with the exception of the war years when a rather different procedure was adopted, the House of Commons, realising that it is almost impossible for a body of 625 members to discuss the details of Estimates, has at the beginning of each Session appointed a Select Committee, now consisting of 36 members, and known as the Estimates Committee, to examine such of the current Estimates as may seem fit to it, to suggest the form in which the Estimates shall be presented for examination and to report what, if any, economies can be effected therein consistent with the policy implied in the Estimates. The Committee can appoint Sub-Committees and can take evidence anywhere in this country or the Colonies. Its composition as between parties is the same as that of the House itself and its Chairman is generally a senior back-bench member of the majority party.

The Committee is appointed at the beginning of each Session and proceeds at once to consider which of the Estimates it shall examine. It farms these out among five Sub-Committees, each of which has power to send for persons and papers and examine witnesses. Sometimes a Sub-Committee is entrusted with the task of examining in detail the Estimate of one Department; sometimes with the task of examining an object of expenditure, such as civil defence or fishery research, which may be spread over the Estimates of a number of different Departments. The Sub-Committee, when it has completed its task, presents its report to the main Committee which, after making any amendments it may think desirable, presents it to the House with copies of all the evidence taken by the Sub-Committee.

If the task has been completed early enough in the Session, the Sub-Committee then proceeds to examine another Estimate or group of Estimates. During the course of a Session it is not unusual for the Estimates Committee to present, say, eight or ten reports to the House.

These reports are ordered by the House to be printed, and the Government Departments concerned then prepare their observations on the reports

and indicate how far their Ministers are prepared to go in accepting any recommendations the Committee may have made. It is customary for the Committee to present these Governmental replies to the House without delay, sometimes adding any comments the Committee may see fit to make on the reply. These replies are again ordered by the House to be printed.

It would be idle to pretend that this machinery for an Estimates Committee has no critics. *Ex hypothesi* the Committee has to examine Estimates which relate to present and future expenditure and have been presented to the House, after mature consideration by Ministers and pruning by the Treasury, as representing the minimum requirements of the Government for the proper administration of the Realm. In these circumstances it is very difficult to criticise an Estimate without dealing, at least to some extent, with the policy implied therein. The Committee and its Sub-Committees are served by able and experienced Clerks of the House, but they have no expert advisers conversant with the intricacies of Government finance. It is said sometimes that in consequence the Committee's inquiries waste a lot of time of senior civil servants called as witnesses and often chase hares of no practical importance. Moreover, it is sometimes alleged that the Sub-Committees get carried away by enthusiasm for greater efficiency in the service under examination and tend to forget that their primary job is to report on what economies can be effected. Critics have pointed to recent well-known reports of the Committee on Civil Defence and on School Buildings as possible examples of this tendency.

On the other hand, it is obviously right and proper that the House, called upon to vote the Executive some £4,500 million, should have some means of submitting the proposed expenditure to minute and detailed examination. This cannot be done effectively by the whole House, and a Committee of this sort is the obvious method. Government Departments may well be thankful that their Estimates are not subject to the gruelling examination given in the United States of America by both the Senate and the House of Representatives to every demand for grant. Any impartial observer must be amazed at the ease with which the Government in this country gets the taxpayers' elected representatives to vote it every year such enormous sums of money, and the amount of time of Government Departments taken in dealing with the inquiries of the Estimates Committee is a small price indeed to pay for this latitude. Moreover, it is a very healthy thing that both Ministers and Civil Servants should have to bear in mind, when preparing their Estimates, that every sub-head may be examined in detail by a Select Committee of the House and may form the subject of a critical report, which will in all probability receive a considerable amount of publicity in the national press and the news bulletins of the B.B.C.

In the long run, therefore, the existence of a lively and critical Estimates Committee must have a beneficial effect on the level of our national expenditure. On the other hand, the most ardent supporter of the Committee would not claim that it can enforce reductions in the current Estimates. One reason is that the Committee's reports are generally too late in the Session to be applied, after all the consideration that has to be given to them, to the Estimates under review, which have to be embodied in the Appropriation Bill and passed into law by about the end of July. Moreover, there is—strange

as it may seem—no ready means whereby the Government can voluntarily reduce the Estimates it has presented to Parliament. Very occasionally and under rather special circumstances, an Estimate can be withdrawn and another substituted, but, though the Government can and very frequently does present Supplementary Estimates during the course of the year asking for more money to be voted, it cannot under our Parliamentary procedure present a Supplementary asking for less money.

### *Government Responsibility*

There is, however, a much more fundamental reason why the Estimates Committee can secure no reduction in the Estimates of the current year. It is a reason which goes to the heart of our constitution, under which the Government can only remain in office so long as it commands the support of the majority of Members in the House. A snap division on some minor matter may not lead to the resignation of the Government, but by tradition finance is not a minor matter. If any House of Commons voted on a Supply Day to reduce an Estimate the Government would almost certainly resign forthwith. Having this in mind it is of course very unlikely that any Estimates Committee, on which the Government party are in a majority, would ever make such a proposal. Even if they recommended a cut in some Vote they would not expect immediate effect to be given to it, and if it became an issue of confidence in the House and a three line Whip were issued (as it would be in the circumstances) Members' loyalty to their party would outweigh their support for the views of their Committee.

Under our constitution there is always a healthy check between the Legislature and the Executive. If the Government cannot persuade Parliament to vote what it wants, the Prime Minister can recommend the Queen to order a dissolution—which is generally very distasteful and expensive to most Members.

On the other hand, if Parliament does not approve the actions of the Government, it can reject major Bills or in the last resort refuse to grant supply and so force the Government to resign. The result is a reasonable give and take or typically British compromise between the conflicting views which may be expressed.

All this must seem strange and not very logical to people brought up under an entirely different constitution like that in the United States of America, but I imagine that there are very few British subjects, to whatever political party they may belong, who would wish to change our practice.

Nevertheless, if we accept this view, we must, I submit, accept also the view that Parliamentary control over current expenditure is from a machinery point of view virtually nil. Any Government is obviously influenced by the trend of opinion in the House and, if it became obvious that the opinion of the majority were against some particular form of expenditure, the chances are that the Government would not proceed with it. At the same time they would most strenuously resist any overt act designed to cut the Estimates they had presented.

If, then, Parliament is so incapable of controlling current expenditure, wherein does its control really lie?

## METHODS OF CONTROL

The answer, I submit, can be found in the two associated practices of Audit and Accountability. No one, of course, would claim that by these means a Government intent on increasing our level of expenditure by large scale developments in welfare services or defence plans and commanding the necessary support in Parliament could be deterred from doing so. Parliamentary government is government by the majority, and, if the Government and the majority in Parliament both want more money to be spent, then any democrat must recognise that it is the people's will and, unless there is a swing of the popular pendulum in the direction of economy, it is right and proper, whatever economists and financiers may say, that the money should be spent. Parliamentary control is not therefore concerned with the total volume of expenditure but with narrower issues on which Members of all parties can reasonably be expected to see eye to eye. For instance, there can be few, if any, Members of Parliament who do not agree that the Executive ought to explain fully to Parliament the reasons why they need grants for this, that and the other object; that the Executive should never spend taxpayers' money without getting the prior sanction of the House of Commons; that the grants given should be prudently and economically administered and that the House should in due course be given a detailed account of how the grants have been spent and the reasons for any excess of expenditure over grant. These are the kind of things which in a modern state constitute Parliamentary control over expenditure—and they do not differ in essence from the objects which Parliament sought to achieve in the centuries of conflict with the Crown, to which I referred earlier.

## AUDIT

As already mentioned, the Exchequer and Audit Departments Act of 1866 created the post of Comptroller and Auditor General and gave him the duty of examining, certifying and reporting to the House of Commons on the accounts, called Appropriation Accounts, which were to be transmitted to him by every Government Department showing exactly how they had spent each year the sums voted to them by Parliament. There are now about 160 such accounts. To enable him to perform these duties there was created the Exchequer and Audit Department, which consists at the present time of about 500 staff, of whom 400 are auditors. In addition to the Appropriation Accounts he has to certify a large number of other accounts, including the Trading Accounts of those Government Departments which are engaged in trading activities, and many subsidiary accounts which are presented to Parliament in the form of White Papers. These so-called "White Paper Accounts" cover a wide range of Governmental activity, some like the Hospital accounts directly financed from votes and others like the Insurance Fund accounts financed mainly from contributions. In addition to all these accounts which are laid before Parliament, the Comptroller and Auditor General is also responsible, by request of the Treasury or in agreement with the body concerned, for the audit of a number of semi-public accounts such as those of the Church Estates Commissioners. In all, he certifies about 370 different accounts each year.

*Nature of Audit*

The audit of the great majority of these accounts is conducted on behalf of Parliament, before which the accounts have to be laid with the audit report. The nature of the audit has therefore developed on lines suited to the needs of Parliament, and varies in certain respects from ordinary commercial audit. It consists broadly of three parts. The first is the straightforward accounts audit designed to ensure that the accounts as presented are a true record of receipts and payments and the balance sheets in the commercial accounts give a true picture of the position. The second part is what may be termed a finance audit and deals with such matters as adequacy of internal financial control and internal audit, the state of store-accounting and frequency of stocktaking, methods of safeguarding cash and stores and the system for collecting all receipts due. The third part of the audit may be termed an appropriation audit and is designed to ascertain whether any expenditure has not been in accordance with the intentions of Parliament in voting the grant; what are the reasons for discrepancies between Estimates and outturn of both income and expenditure; whether there has been any exceptional use by the Treasury of its power at the end of the year to authorise transfers between surpluses on one sub-head of a vote and deficiencies on another. This appropriation audit must also ascertain that any expenditure incurred conforms to the authority which governs it.

In addition, the Comptroller and Auditor General has been encouraged by successive Parliamentary Committees to extend his audit beyond what the professional auditor normally does and also beyond his own statutory duties by investigating and reporting on any apparently wasteful or uneconomical expenditure, on the working of the system for placing contracts and accepting tenders and on any losses due to extravagance or lack of reasonable foresight.

It may be worth adding that there are two things which the audit does not do. It is not in the first place concerned in any way with policy; it would not normally, for instance, suggest that Parliament had been too generous in voting a certain sum for a given service and it would never suggest that a project approved by Parliament was an unnecessary waste of public money. But it could properly point out that, in administering a service, the Department concerned had been spending more money than was necessary. In the second place it does not claim in any way to be an efficiency audit; it would not, for instance, suggest means whereby a hospital could be more efficiently conducted or venture an opinion as to whether the British Council was adopting the most efficient means of developing closer cultural relations between the United Kingdom and other countries. In so far as the Government do conduct inquiries into the efficiency of the Government service, this job is entrusted to a branch of the Treasury known as the Organisation and Methods Branch and not to an officer responsible directly to Parliament.

*Four Exceptions to Normal Audit*

The normal rule is that auditors of the Exchequer and Audit Department have the right of access to all papers in Government Departments related in any way to financial questions, and are thus able to follow any transaction



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from, so to speak, the cradle to the grave. There are, however, four main exceptions to this rule, which may be summarised as follows :

### (1) *Secret Service*

The Secret Service Vote, amounting to £5 million per annum at the present time. It has always been accepted by Parliament that details of the expenditure out of this vote should not be examined by auditors of the Exchequer and Audit Department, and Parliament is content to accept a certificate to the Appropriation account saying that the amount shown in the account to have been expended is supported by certificates from the responsible Ministers of the Crown.

### (2) *Colonies*

Grants in aid of the revenues of the Colonies and for particular Services in Commonwealth organisations. These amount to about £12 million per annum. Expenditure out of these grants is normally embodied in the Colonies' own accounts. In most cases these are audited by the Director General of Colonial Audit, a semi-independent official of the Colonial Office, though in some of the more advanced colonies like Malta and Jamaica the audit is conducted by an official of the Colony. In either case the accounts and audit reports are made available to the Comptroller and Auditor General, who can report on them to the British House of Commons if he deems fit.

### (3) *Local Authorities*

Grants to Local Authorities, which take the form either of specific grants for particular purposes, such as education, or of general Exchequer contributions towards the rate-borne expenditure of a large number of authorities, which are broadly the poorer authorities. As you know, authorities put in claims for the former type of grant and these claims have to be certified by the District Auditors who are officers of the Central Government. Before certifying the claims District Auditors have to satisfy themselves that any conditions attached to the grants by Parliament or by the grant-aiding Department are satisfied. Reports by District Auditors are made available to the Comptroller and Auditor General, who can, if he sees fit, report any adverse comments to Parliament.

Parliamentary control of the general Exchequer contributions is less strict. The grants are towards the general rate-borne expenditure of the authorities and they are not separately accounted for. Nor would it be easy, even if it were desirable, for Parliament to attach conditions as to the expenditure towards which the grants are to be used, apart from the statutory limitations on the activities of local authorities in general. The amount of a grant depends on the expenditure of the authority and an increase in expenditure automatically leads to an increase in the Exchequer grant ; this, no doubt, partly accounts for the increase of £8,500,000 in this year's contributions over last year's. A large amount of money is involved (some £77 million this year in all for England, Wales and Scotland), and this has made the State in effect the largest ratepayer in many places. Sometimes the State meets as much as three-quarters of the expenditure that would otherwise fall on the ratepayers. If the specific grants for education, etc., referred to earlier, are included, the State's total contribution not infrequently

exceeds 80 per cent. of such expenditure. Yet, as the Public Accounts Committee of 1950 remarked, the Departments paying the grants, unlike ordinary ratepayers, "have no vote or similar means of influencing the budgeting of local authorities, who can thus pledge the Exchequer's money in advance and without consultation." In such circumstances, the urge to economy in local administration may not always be very strong.

I do not want to suggest that all this expenditure escapes Parliamentary check entirely. There are two safeguards that should be referred to. In the first place, of course, the correctness of all claims for the general Exchequer grant is certified by the District Auditor, and, so far as the grants go to authorities whose accounts are wholly subject to District Audit, all the expenditure is also examined by him. But there are of course a number of authorities whose accounts are only partly subject to District Audit.

In the second place, there is Section 6 of the Local Government Act of 1948. Under this the Minister may, subject to the approval of the House of Commons, reduce by such an amount as he thinks just the Exchequer contribution due to any local authority if the expenditure of the Council has been excessive and unreasonable, regard being had to the financial resources and other relevant circumstances of the area. Parliament presumably intended this as a safeguard against automatic grant to meet extravagant expenditure, but so far it has not been invited to approve of any reduction of grant on this account. This may, of course, be because all local authorities' finances are administered so well that no case for consideration of such action has arisen, and I am aware that the Committee on the Operation of the Exchequer Equalisation Grants in England and Wales said in their report last year that the evidence presented to the Committee gave no support to the suggestion that the Equalisation Grant had resulted in extravagance. On the other hand, in view of experience of Government Departments' financial administration, one cannot help wondering whether the Departments paying these grants have adequate means of ascertaining whether all the expenditure is reasonable or not. Any expenditure which a District Auditor thought extravagant enough to justify surcharge would automatically be barred from the grant claim without the need to bring Section 6 into play. But is it inconceivable that some expenditure, while not so extravagant as to be caught by the District Auditor's statutory powers, may have deserved consideration under Section 6? If so, would the Departments know of it? And what of the authorities whose accounts are not wholly subject to District Audit? Whatever the position of the Departments, it is pretty obvious that the Comptroller and Auditor General is not in a good position to report to Parliament on the use made of these grants and Parliament in turn has no means, other than questions to Ministers on individual instances coming to Members' notice, of satisfying itself that Section 6 of the 1948 Act is an effective safeguard.

There are, of course, other checks on extravagance by local authorities in the use of Government grants, two of which, though not Parliamentary checks, deserve passing mention in this paper. The first is the control exercised by Government Departments which make specific grants over the way in which those grants are used. The second is the natural unwillingness of local Councils to impose on their ratepayers the increase in rates and

expenditure therefrom which would attract the Government grants; no authority, I imagine, enjoys having the reputation of being a highly rated area.

It may, of course, be argued in defence of these arrangements that Parliament, in approving this system for assessing grants, must have recognised that it could have no control over the expenditure which determines their amounts; and further that local councils are democratically elected bodies and all that Parliament is doing is to give the poorer among them some financial help, trusting them to use it wisely. I note incidentally that there is by no means common agreement among the Associations of Local Authorities that the grants are in fact going to the poorer areas; in so far as some of the more well-to-do areas are participating in these benefits Parliament is not in fact achieving its primary purpose in granting them public money.

This is, I fear, a subject of some controversy, but it seemed only right to refer to it in this paper because any impartial observer would be bound to admit that it constitutes one of the main breaches in the rampart of Parliamentary control over Government expenditure.

#### (4) *Grants-in-Aid*

For very many years Parliament has approved the payment of public money by Departments to institutions and bodies not subject to their day-to-day control. These are called grants-in-aid and, subject to what is said below, they form exceptions to the general rule that all money voted by Parliament must be accounted for in detail to the Comptroller and Auditor General and that any unexpended balance of the sum issued must be surrendered to the Exchequer. The system has been extended to a number of bodies which, though virtually Government Departments, are deemed to require less meticulous financial control than an ordinary Department. Some of these are in fact audited in the usual way.

This system has been recognised by Parliament as necessary in certain cases, but the growth of the system has been carefully watched and conditions have been imposed. Quite recently it was decided, following the report of a Parliamentary Committee, that, in the case of many of these bodies which receive the greater part of their income from public moneys, the accounts, though audited professionally, should be open to inspection by the Comptroller and Auditor General so that he can report to Parliament if he is not satisfied that the grant is being used in the way intended. The total of grants-in-aid in 1953-54 amounted to £156 million, and their growth and magnitude have aroused the interest of the Estimates Committee which has recently reported on the whole subject.

Broadly speaking, it may now be said that owing to constant Parliamentary criticism all substantial expenditure by way of grants-in-aid is subject to a fair degree of Parliamentary control with two exceptions. One is in respect of the contributions paid to international bodies, whose expenditure is naturally not subject to control of the British Parliament; they determine their own needs and our contribution follows that determination. We have either to pay the contribution or resign. The other exception is in respect of Government grants to Universities and Colleges; here Parliament votes a lump sum nearly £28 million in the present year, by way of grant-in-aid, which the Treasury disburse between the Universities and Colleges on the

advice of the University Grants Committee. The Comptroller and Auditor General can satisfy himself that these grants have been paid, but he is not given any access to the accounts of the Universities and can therefore give no information to Parliament about the way in which the money is actually spent. Nor are any detailed accounts of the expenditure presented to Parliament. Committees of Parliament have been restive for some years past about this further substantial breach in the ramparts of full Parliamentary control over expenditure, but up to the present the Treasury have resisted all suggestions for meeting Parliamentary criticism on the ground that they would tend to impair the complete independence of the Universities, to which much importance is rightly attached.

### ACCOUNTABILITY

Some form of audit on behalf of Parliament is a common feature of democratic countries throughout the world. I am told that when Hitler seized power in Germany one of his first acts was to abolish the Auditor General, who might have reported that money voted for butter was being spent on guns. The other method of Parliamentary control of expenditure, namely Accountability, is, however, so far as I have been able to ascertain, essentially a British conception, and, at least in the form in which we know it in this country, is mainly confined to countries of the British Commonwealth.

In all Civil Estimates presented to Parliament there are set out in Part II the heads or sub-heads under which the Vote will be accounted for and a statement of who will account for them. From this it follows that the Appropriation Account presented after the end of the year has to follow precisely the same form, sub-head by sub-head, as the Estimate, thereby enabling Parliament to ascertain, when the account is presented, how far actual expenditure has conformed to estimate, item by item, and how far savings on one sub-head have been used to meet excesses on others. This process of transfers, by the way, which is commonly known as virement, requires the sanction of the Treasury who have assured Parliament that they will not, as a general rule, authorise by virement the meeting of a substantial excess on one clearly defined sub-head out of savings on other sub-heads plainly unconnected with it.

It might have been expected that the Estimates would have named the responsible Ministers as the persons to account for their respective votes. But this is not the practice. The Estimate names the Department and not its Minister. Thus the Vote for Foreign Office Grants and Services has to be accounted for by the Foreign Office, the Vote for Fire Services in Scotland by the Scottish Home Department, the Vote for the National Health Service by the Ministry of Health, the Vote for Exchequer contributions to local revenues by the Ministry of Housing and Local Government—and so on. It will naturally be asked how such responsibility can rest on a whole Department, which may contain thousands of staff and is not a body corporate. The answer is to be found once again in the Exchequer and Audit Departments Act of 1866 which in Section 22 says that the term "department," when used in connection with the duty of preparing appropriation accounts, "shall be construed as including any public officer or officers to whom that duty may be assigned by the Treasury."

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*Position of Accounting Officer*

In practice the Treasury nominate one person in each Department as "Accounting Officer" and on him (and not on his Minister) rests the responsibility for accounting to Parliament for every penny voted to his Department. He has the duty of ensuring that the funds entrusted to him are applied only to the purposes intended by Parliament and that no more is spent than has been voted. Any dereliction of duty may lead to a recommendation by the Public Accounts Committee, to which reference will shortly be made, that expenditure already incurred should be disallowed. If this should happen, the doctrine of personal accountability means in theory—and it has been known to happen in practice—that the Accounting Officer is liable to have to defray the expenditure from his own purse unless Parliament is prepared, at the request of the Treasury, to make good the deficiency by voting the money.

The duties and responsibilities of the Accounting Officer of any Department are therefore very weighty. Up to the end of the First World War the Treasury frequently nominated the head of the finance branch of a Department, generally called the Accountant-General, as Accounting Officer, but now the post is almost invariably filled by the Permanent Secretary, known in some Departments as the Permanent Under-Secretary of State. This is because in the Civil Service it is now recognised that finance is an essential element in the consideration of all policy questions and that finance and administration cannot properly be divorced. The Permanent Secretary has of course on his staff officers trained in finance and accountancy and has to rely on them very largely for protecting him against any impropriety in handling public funds. But in the last resort the responsibility is his, and he personally has to account to Parliament by signing the Appropriation Accounts of his Department.

It will naturally be asked how this responsibility of a senior civil servant can be reconciled with the general responsibility of his Minister to Parliament for the administration of the Department. The Permanent Secretary, like all other civil servants, is under the orders of his Minister and cannot refuse to carry out his Minister's directions. But it is laid down in the letter of appointment of Accounting Officers, and generally recognised by Ministers, that it is their duty to represent to Ministers their objections to any course of action which they regard as involving inefficient or uneconomical administration; if such objections involve the Accounting Officer's personal liability on a question of formal regularity or propriety, he has to set out his objection to the proposed expenditure and his ground for it, in writing, to his Minister, and he only makes the payment upon a written instruction from his Minister overruling the objection. After making the payment he informs the Treasury of the circumstances and sends the papers to the Comptroller and Auditor General for the information of the Public Accounts Committee, which would no doubt then acquit him of any personal responsibility for the expenditure. I need hardly add that unfortunate occurrences of this sort are very rare, but the existence of the system greatly strengthens the hand of the Accounting Officer and constitutes one of Parliament's real safeguards against Ministerial extravagance.

*Public Accounts Committee*

Parliament has long recognised that examination of accounts, even perhaps more than of estimates, cannot be carried out by the whole House of Commons. This was fully appreciated by Mr. Gladstone who in 1861 suggested that the House should appoint a small Select Committee for the purpose. Standing Order No. 90 of the House of Commons provides that:

There shall be a select committee, to be designated the Committee of Public Accounts, for the examination of the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit, to consist of not more than fifteen members, who shall be nominated at the commencement of every session, and of whom five shall be a quorum. The committee shall have power to send for persons, papers and records, and to report from time to time.

In practice the Committee is proportional in party representation to the whole House, and the Whips of each party select the members except that two of the fifteen posts are normally filled by the Financial Secretary to the Treasury and the Chairman of the Estimates Committee. The Financial Secretary to the Treasury in fact seldom attends, but he gets all the papers and can attend to represent the Government's point of view if he deems it desirable to do so.

The Committee at their first meeting proceed to the election of their Chairman. By long tradition this post, unlike the Chairmanship of most other Select Committees, is filled by a member of the Opposition party. It is a position much respected in the House and has most frequently been filled by a member who held a Ministerial post in the Treasury when the present Opposition were last in office. This always seems to me a typically British arrangement, and many foreigners find it difficult to understand. It has the advantage that the post is filled by a man who is naturally critical of the present Government's administration—and it is the prime duty of the Public Accounts Committee to criticise—but his approach to questions and the draft reports to Parliament which he has to lay before his Committee have to be tempered by the knowledge that the majority of the Committee are of the opposite political persuasion. As a matter of fact, politics enter very little into the work of the Committee; their duty is to examine past expenditure in the cold light of reason and there is never any difference of opinion about the need for maintaining the full control of Parliament over the way in which the taxpayers' money is spent.

*How the Public Accounts Committee Works*

A new Committee is appointed each Session, but the majority have generally served on previous Committees, some for as long as twenty years. The Committee meets early in the Session and decides on its general programme. Its prime duty is to examine the Appropriation Accounts of Departments, but time does not permit it to examine each account in detail with witnesses and it generally concentrates on the accounts which have formed the subject of critical comment in the reports of the Comptroller and



Auditor General. But in addition to the Appropriation Accounts it has the right, if it thinks fit, of examining any other accounts laid before Parliament; these consist not only of White Paper Accounts, like the accounts of the National Insurance Funds, on which the Comptroller and Auditor General comments in his reports, but also the accounts of many bodies which he does not audit. The most notable examples are the accounts of the numerous Public Corporations like the B.B.C. and the New Towns and also, up to the present, of the Nationalised Industries, though it is now proposed to relieve them of this latter duty and confer it on a new Select Committee.

When the programme is settled the Clerk of the Committee issues summonses to the Accounting Officers of the Departments selected; these attend, generally accompanied by one or two of their senior finance staff, on the days appointed and constitute the main witnesses. There are also in attendance each day, technically as witnesses, the Comptroller and Auditor General and the Treasury Officer of Accounts to assist the Committee on any technical points that may arise in the course of their examination. The Committee usually opens its investigation by questioning the Accounting Officer on the report which the Comptroller and Auditor General has made on his accounts and then proceeds, if Members wish, to examine him on any item in his accounts. He may be, and often is, called upon to produce "papers and records" about the expenditure under investigation.

The Committee's examination is conducted in a semi-judicial atmosphere and a verbatim account is taken, and subsequently published, of all the evidence given. The Committee may present interim reports during the course of the Session on particular issues, but generally reserves its main report till near the end of the Session when it has completed its task of taking evidence. The report, which is often of a highly critical nature, is published after being presented to the House of Commons and generally receives a lot of publicity.

#### *Action Consequent on Reports*

A criticism was made in the popular Press not long ago to the effect that all the so-called scandals brought to light in the Comptroller and Auditor General's reports, though often noted at the time in the Press, were subsequently ignored by Parliament. Nothing could be further from the truth. It may be doubted if any reports receive such meticulous consideration as those of the Comptroller and Auditor General and the Public Accounts Committee. As already explained, the former are considered by the Committee, paragraph by paragraph, at some thirty meetings in the course of the Session, and Accounting Officers are given the opportunity in the witness box of presenting their Departments' views and explanations. The semi-judicial findings of the Committee as summarised in their reports are laid before Parliament. But the process does not stop there. The Treasury then proceed to prepare the official views of the Government on all the conclusions and recommendations in the Committee's reports, and these in the form of a lengthy Treasury Minute are presented to an early meeting of the Committee of the following Session and are at once published. It is one of the duties of the new Committee to examine this Treasury Minute on the reports of its predecessor, and if it finds itself in disagreement with

the views of the Treasury it may say so in its own report. Thus a difference of opinion between successive Committees of Parliament and the Executive, represented by the Treasury, may be brought to the notice of Parliament and the public over a series of years until ultimately agreement is reached. If, of course, this should prove impossible, it would be for the House of Commons itself to give the final verdict.

By means of these reports and the Treasury Minutes thereon there has been built up over the last ninety years a corpus of financial procedure which is embodied in two volumes, called *Epitome of the Reports of the Public Accounts Committee*. These volumes contain a mass of what in judicial circles would be called "case law," and provide a guide, approved by Parliament, to the financial administration of Government Departments.

### REAL NATURE OF CONTROL

What does all this amount to? Are not the practices of Audit and Accountability all related to past events? Do they really influence current expenditure? Are they any more than a grandiose post-mortem? These are natural questions, though I think the medical profession would say that post-mortems have done a great deal to bring medical science to its present state of efficiency.

In considering our system one must, I think, go back to constitutional first principles, and it is perhaps useful to digress a moment and compare our system with that in the United States of America. There you have the same distinction, though in a still more marked degree, between Legislature and Executive. But there is this vital difference—that the Executive is there for four years and cannot be turned out of office by the Legislature. But, as in this country, it is the Legislature which has to provide the money. It does not necessarily trust the Executive in the way in which the majority of our House of Commons trusts and supports our Government, which it has indeed put into office. Therefore the American Legislature has devised a method of very detailed examination of Estimates or Appropriation Bills as they are called. These Bills often have to undergo scrutiny by no less than seven different Committees of the Legislature before being passed. Every dollar has to be justified in advance time and time again and, if the Comptroller General of the United States, who corresponds roughly with our Comptroller and Auditor General, says that a Department had been unwise in its spending of previous grants, it makes it quite likely that the appropriation will be cut down. Members of the Legislature also have the power of increasing an appropriation above what the Executive deemed to be needed—a procedure which fortunately is forbidden by the Standing Orders of our House of Commons. But, once the Legislature in America has voted the money and passed the numerous Appropriation Bills, it seems to take very little interest in the way the money is actually spent. There is nothing like our Public Accounts Committee and the accounts are more out-of-date than ours because Appropriations are not required to be spent in one year or surrendered to the Exchequer at the end of the year.

The American system may appear a more logical one than ours in that it seeks to close the stable door before the horse has bolted. But it frequently

results in providing the Government with less money to spend on a given service than the Departments concerned have persuaded the President is really necessary for the proper conduct of their work, and to our way of thinking such constant Parliamentary interference with the job of governing a country must prejudice executive efficiency.

Our system is the exact opposite. Our House of Commons has put our Government into office and, if it is seriously dissatisfied with it, can turn it out at any time. But, so long as it is there, it is to be trusted—and trusted among other things not to ask for more money from the taxpayer than it really needs. It has at its service a highly efficient Treasury which Parliament knows has, subject to policy decisions of Ministers, pruned all the Estimates to the bare bone before they are presented. While it is useful to have a machine like the Estimates Committee to examine some of the Estimates in detail, any worth-while cut would entail a criticism of policy and imply a lack of confidence in the Government with all the consequences that follow—consequences are distasteful to most Members for personal reasons as they may be inimical to the best interests of the country.

#### Conclusion

Our Parliament therefore does not set out to control public expenditure to any great extent by examining and pruning the Estimates it is asked to approve. It exercises its control by the more subtle methods which I have attempted to describe. Although, apart from the functions of the Comptroller and Auditor General in approving, on behalf of Parliament, all issues from the Exchequer before they are made, these are largely of an *ex post facto* nature, they are none the less effective. All Government Departments are very conscious of the fact that a continuous watch is being kept on behalf of Parliament on the way in which they use the grants voted to them. The audit of accounts of all the large Departments is a continuous process and queries are being raised long before the accounts are closed. Departments know that, if they use money in a way which was not intended by Parliament or if they use it wastefully or extravagantly, their sins will be brought to light in reports which are widely read and studied. There is a very healthy respect in the Civil Service for the Public Accounts Committee, and Accounting Officers, apart from their own financial responsibilities, are most anxious to avoid any slurs or reproaches on the reputation of their Departments. This fear of adverse criticism is perhaps the most potent influence operating to secure proper control. Intangible as it is, it is rooted in age-long traditions and could hardly be nearly so effective in a new-born State. Like so many other aspects of our public life, this system of Parliamentary control of expenditure has grown gradually over the centuries and is not contained in any written constitution. It is indeed continually being adapted and adjusted to meet changing conditions. But one may doubt whether any other system would be nearly so effective for our own country, and also whether the Parliaments of other countries, using other systems, have really as effective a control over expenditure as the Mother of Parliaments.

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## CORONA

Public administration can never be static. There must always be a moving forward. At the least there is always a search for increased efficiency and more up-to-date methods. At most . . . and at best . . . there is continual effort for much more than a faultless machine to cope with the growing complexities of social life. The good administrator knows that "the proper study of mankind is man" and that the path to progress in any field should be paved with human relationships through the understanding and willing acceptance by the public of administrative ways and means.

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# The Real Lesson of Crichel Down

By PROFESSOR C. J. HAMSON

*This talk by the Professor of Comparative Law in the University of Cambridge was originally broadcast in the Third Programme and is reprinted from "The Listener" of 19th August, 1954, by courtesy of the Editor.*

THE Crichel Down enquiry has raised many questions of importance: for example, the nature and extent of the responsibility of the Minister, his powers of control over civil servants within his department, the manner, if any, of disciplining a civil servant for misbehaviour, and also purely political matters such as government policy as regards retaining property acquired under emergency powers.

Such questions are, I am sure, of the utmost importance; but it is not with them that I wish to deal here. Indeed, I regret that they have ever emerged: because they obscure what I regard as the even more fundamental issue which is raised by the enquiry and upon which the whole of our attention should continue to be focused: namely, the desperate state in which the normal subject, the ordinary citizen, you and I, find ourselves today in England when confronted with the powers vested in a Minister, powers which actually are exercised by the delegate of the delegate of a delegate, or by a collective anonymity which has as little soul as it has human face. The capital revelation of the Crichel Down enquiry is how entirely defenceless the normal citizen is in England today against a Ministry acting within the ambit of its enormous powers: powers which give to a single Ministry a more arbitrary dominion over our liberties and our property than was ever claimed by any Stuart king.

The Crichel Down enquiry is also important, because it affords the public an unusual, indeed an unparalleled, insight into the manner in which a Department of State conducts its affairs. The report found that "there was no trace in this case of anything in the nature of bribery, corruption, or personal dishonesty." It would have been a good deal less disturbing if there had been some plain crime in the case: because the ordinary law of the land is still powerful enough to arraign before it for crime even civil servants acting in discharge of their duties. It is much more disturbing to find that what happened in the Crichel Down case happened without crime or tort or breach of contract or any legal wrong for which there is redress, and that it happened in the ordinary course of government business. A sorry business it was.

I will not again rehearse the findings of the report; the report itself really must be read (H.M. Stationery Office, 1s. 3d.). It is to be read for the insight it affords into the conduct of affairs at a Ministry. What I think it is fair to say is that the report suggests that a group of officials, without dishonesty but upon information which was both false and insufficient, somehow or other, reached the decision, in the normal course of business, that they would like, and that it would be a good idea, to equip a model farm at Crichel Down; and the setting up of that farm thereupon became a matter of national interest and importance. Having reached their decision, consciously or unconsciously they joined together, as zealous members of an organisation do and should, to implement their decision, to forward the

national interest, to get what they wanted to get; and as difficulty and opposition increased, they tended, as almost all men do tend in such circumstances, to show a little less and less scruple in their every action and word. The end has, after all, often served to justify the means, especially if the end is the national interest and the getting of what you want, if the end is the doing of what, without dishonesty but perhaps a little previously and a little hastily, you have decided to be right and good, for yourself, for the subject, and no doubt for agriculture also.

It would, in my opinion, be wrong to assume an air of moral superiority towards these officers, even though some of the means some of them adopted were not, in themselves, commendable. Indeed, I am confident they commend themselves as little to those officers as some of our own actions, done to forward a cause we had much at heart, sometimes later commend themselves to our more dispassionate consideration—and normally we have not had the pain of having those actions dissected in public. It surely is wrong to treat these officers as outcasts and pariahs, unworthy of that Civil Service upon which we are apt to pride ourselves, not without cause.

I am convinced, for my own part, however much I admire the French *Conseil d'Etat*, that as an organisation the standard of moral rectitude in our Civil Service is higher than in theirs; but I believe that the officers appearing in the Crichton Down enquiry are perfectly normal representatives of our Civil Service, and the report of the committee appointed by the Prime Minister to consider their case confirms me in my belief. I very much disapprove of attacks upon them personally or indeed upon any civil servants as individual persons. Individually, civil servants in England are often, perhaps normally, persons of high moral character. But they have not acted as individuals, it is not as individuals that they have misbehaved. They have acted, they have exercised power, collectively. Their conduct is what might be expected of men, of honest men, working together even in an ordinary organisation. But their organisation is a Ministry vested with immense and arbitrary powers. They are persons whose decisions are normally not only not questionable but not even subject to inspection. They are the men who have seen the papers and know that they know, administering the ignorant multitude which does not know. They are the men charged with the duty of promoting the national interest, who suffer from no deficient sense of their own moral rectitude.

#### *What the Report Reveals*

Surely their conduct as revealed in the report is just what must be expected of men, of honest men, in their position and in their circumstances. And certainly there is nothing in the report to suggest that the Crichton Down affair went off otherwise than in the normal course of the day's business. There is no suggestion, may I repeat, of bribery or corruption or personal dishonesty. What the report reveals seems to me a fair sample of the manner of conducting business in the Ministry of Agriculture and, as I would suspect, in many another government office. It is a personal misfortune of the highest order that particular named individuals should have been picked upon and exposed to the public gaze and required in their own persons to justify the accustomed way of things in their office. It is indeed for a civil servant in



England an unparalleled catastrophe to be asked to open in public his confidential files and publicly to be examined thereupon: he has long become accustomed in any court of law to the complete protection of secrecy by way of privilege against discovery.

In a civilised society, if things are as wrong as the report shows them to have been in the case of Cricchel Down and as I believe that they often are, there would have been, it might be supposed, some effective remedy capable of being promptly and normally exercised by the aggrieved person. That is not the position in England. What is most remarkable about the Cricchel Down enquiry is that there ever was an enquiry at all. It required the initiative and energy, and the wealth and position, of Commander Marten so to insist with the Minister—so to badger the Minister, if you will—that the Minister should even consider the possibility of holding an enquiry. An enquiry of the Cricchel Down kind is not held except by the especial grace and favour of the Minister. There is in England no process, no machinery of any kind, by which a normal citizen can as of right bring before any court or any other impartial person an act done by a Ministry within its enormous departmental powers, not even if the act is as grossly misdone as was the Cricchel Down affair. At most, a question may be asked in the House of Commons; and that only if the aggrieved citizen can, again as a matter of grace and favour, win the support of his local Member of Parliament. Parliament is overwhelmed with business; the Minister cannot be cross-examined in the House; and any normal civil servant has the ability and training required to furnish his Minister with a sufficiently bland and plausible answer to the question asked, if the aggrieved party does succeed in getting the question asked at all. The question is not entirely without effect, and since it is our only remedy today it should no doubt be cherished; but, in comparison with a proper enquiry by a court or an impartial person, it is a very poor instrument for getting at the truth. And at a question asked and answered the matter will stop, if it ever gets as far as that.

What is entirely exceptional in the case of Cricchel Down is that by reason of the persistence of Commander Marten and his supporters, and also—may I add?—by reason of the courage of the Minister, Sir Thomas Dugdale, the matter went beyond the question and an enquiry was finally permitted by the Minister. It did require courage to order an enquiry. The Minister is subject to the enormous pressure of his own department, that is to say of his own expert and confidential advisers, against holding an enquiry. The Minister is absolute, unfettered, and uncontrolled judge in his own cause, in the cause of his department, in the cause whether an enquiry is to be allowed into the alleged misdoings of his own department. And the civil servant will no doubt remind the Minister that the Minister is constitutionally responsible for his department's actions: if the department has misbehaved, the Minister is likely to go down with the civil servant upon public knowledge of the misbehaviour, and indeed, as in this case, to suffer more than the guilty servant himself. The constitutional responsibility of the Minister is a powerful shield to a department responsible only to the Minister, who is himself the sole judge of whether an enquiry should be held; it cannot be a matter for surprise that the strongest protagonists of this ministerial responsibility to parliament are the civil servants

themselves. And, moreover, odd as it may appear, even if an enquiry is held, the report is simply a private and confidential report to the Minister. It is a matter to be decided by him, in consultation no doubt with his advisers, what, if anything, is to be done with the report when he has received it. Sir Thomas Dugdale decided to publish the report: without that decision we would have known nothing about the matter. In all the hubbub about Crichel Down, and whatever may be his fate as Minister, we really must endeavour to remember how much we owe to Sir Thomas Dugdale's courage and sense of duty.

An enquiry of the Crichel Down kind is entirely exceptional: indeed, what parallel is publicly remembered? Does that mean that the kind of conduct revealed by the enquiry is also entirely exceptional, is really unparalleled in a government department? Can that really be believed? Is it really believed by anyone? The evidence seems to me overwhelmingly on the other side. The Crichel Down affair happened in the Ministry of Agriculture all in the course of the ordinary day's business. Has the Ministry of Agriculture never dealt with anything in the manner in which it dealt with Crichel Down? And is the Ministry of Agriculture so singular a body that it has no resemblance to any other government department?

If you do not believe that—and I do not—here is something primary and fundamental. If there are other Crichel Downs, if there are other humbler affairs, affecting persons less powerful than Commander Marten, which have been treated as the Crichel Down business was treated, but never can reach the public ear, it does not touch the matter much to sack Sir Thomas Dugdale—which seems to me unfair and unreasonable in any event; it does not help to shift some civil servant from one employment to another or to announce some new government policy about the use of land. What we, the subjects, want is infinitely simpler. We require a remedy. We require the redress of such of our grievances as may by impartial enquiry be found to be just. We demand the possibility of justice even against a government department acting within the ambit of its powers. It is of the bare possibility of this justice that there is today in England the gravest default.

#### *Ordinary Citizen versus Government Department*

Is it utopian to believe in the possibility of this justice—in the possibility of the ordinary citizen arraigning before an impartial body the legitimate act of a government department and requiring the justification of that act before that body by the adduction of a sufficient and valid reason for that act? I say that it is not utopian. It is not utopian because it is actually and successfully done. It is the stock Civil Service answer that we, the ignorant subjects, misunderstand the nature of government and the necessity of discretionary powers if we think it possible to arraign before a court a minister or his department in respect of a ministerial act which is within the powers of the Minister. That is the stock civil service answer and, as an answer, it is false. It may be true that it would be difficult in such an instance to use the process of the High Court in England and especially perhaps its process of evidence. But it is not true that a Minister and his department cannot effectively and easily be arraigned before a court, provided

that the court is qualified to deal with that kind of business and has as high a sense of the conditions of public administration as it has of the rights and liberties of the subject. It is not true because we have the living example in France of such a court, the *Conseil d'Etat statuant au contentieux*—a judicial committee of a Privy Council, if you will—which, long established and in active operation, has kept this balance between the needs of government and the requirements of justice, with a success which is the admiration of all observers.

The Roman emperor invaded Britain to remove from the sight of the Gauls the disturbing spectacle of liberty across the Channel. Our governors today will need to mount an invasion of Gaul before they will persuade all of us to acquiesce in their dismal doctrine. The *Conseil d'Etat* is itself the creature of history, a special response to a special set of circumstances existing in France. It cannot as such be transported across the Channel. It will not as such fit into our circumstances and our traditions and prejudices. Its very existence is indeed an extraordinary accident : for it is itself a body of administrators who more than 100 years ago began to feel an awkward concern for the rights of that poor devil, *l'administré*, the subject, and who persisted in that concern, with the astonishing result that they became a court in which the subject gets justice, an ample and most effective justice, against the administration. The *Conseil d'Etat* cannot bodily be carried across the Channel ; but it stands as a noble and a notable example, as a pledge of the possibility of administrative justice, as a warrant that it is reasonable not to despair. What may in England be a true equivalent of the *Conseil d'Etat* is matter for argument and discussion. Personally I would welcome even a revived Star Chamber, with a jurisdiction limited to acts done by government officials in course of duty : the Star Chamber did much good and would do more today. That may be arguable : what is not arguable is our need—the need of the ordinary citizen—for a remedy as effective against a government department as that ordinarily and normally enjoyed by a citizen of France.

It is upon the lack of that remedy in England that the Criche! Down affair throws so deadly a light. The provision of that remedy is the peremptory demand of our times, and the critical business of government. Liberal, Conservative, Labour : whatever its complexion may be. For we are committed, whatever the government, to a multitude of civil servants, and if ever there was a national interest it is surely in that interest that effective means be provided for easy and speedy redress against behaviour of the kind exhibited in the Criche! Down affair : redress for which there is in England no normal provision at all.

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## The Crichel Down Case

By D. N. CHESTER

*The Editor reviews the Report of Sir Andrew Clark and considers the consequences and implications for the Civil Service.*

THE chief *dramatis personae* were a piece of land some 725 acres in extent in the County of Dorset known as Crichel Down; the Minister of Agriculture (Sir Thomas Dugdale, Bt., M.P.); Lieutenant-Commander Marten—a local landowner who desired to purchase the land and reunite it with the family property of which some 15 years or so earlier 328 acres of it had been part; Mr. C. G. Eastwood, Commissioner of Crown Lands and until a short time before this a senior official in the Colonial Office; Mr. C. H. M. Wilcox, an Under Secretary at the Ministry of Agriculture and Fisheries; Mr. H. A. R. Thomson, a partner in a firm of estate agents, who was acting as an agent for the Crown Lands Commission; the two Parliamentary Secretaries to the Ministry (Lord Carrington and Mr. G. R. H. Nugent); and the M.P. for the area (Mr. R. Crouch). The cast also included sundry officials at various levels of the Ministry or of public bodies closely associated with that Department.

Act I concerns what happened to the piece of land after it was compulsorily acquired in 1937 by the Air Ministry for use as a bombing range. How it passed into the hands of the Ministry of Agriculture in 1949 (a Ministry which would not have been able to acquire it compulsorily for their purpose). It tells of the decisions that were made and how they were made about the use to which the land should be put; of how various farmers were officially promised a chance to bid for the tenancy and of how it came about that this promise was not honoured; and of how Lieutenant-Commander Marten, not being satisfied that his offer to acquire the land was being properly considered, with the help of his M.P. took the matter up with the Minister; and of the subsequent agitation which finally led the Minister to ask Sir Andrew Clark, Q.C., to enquire into the procedure adopted and report.

Act II starts with Sir Andrew's seven-day public inquiry held in Blandford, Dorset, at which almost everybody concerned (except the Minister) gave evidence. Some of the more exciting parts of the testimony were reported in all the leading newspapers and so whetted everybody's appetite for the Report (submitted to the Minister in May and published<sup>1</sup> a month later) and possibly stimulated a public desire for heads to fall.

The Third Act sees the initial statement by the Minister in the House of Commons on the day that the Report was published (15th June, 1954). To the horror of the onlooker who knows that something dramatic is required, Sir Thomas Dugdale plays down the whole affair. The inquiry, he says, has achieved his main purpose because it has found no trace of bribery or corruption; he takes full responsibility for the actions of any officials criticised in the Report and announces that after hearing further explanations from those concerned he has formed a less unfavourable view of many of their actions. On the 20th July, on that most harmless of House of Commons'

<sup>1</sup>Public Inquiry ordered by the Minister of Agriculture into the disposal of land at Crichel Down. Cmd. 9176.

motions, "That this House do now adjourn," the Minister makes a further statement at the end of which he announces his resignation. Next day the two Parliamentary Secretaries submit their resignations, but withdraw them at the request of the Prime Minister. The position of the five officials chiefly concerned is considered by a Committee presided over by Sir John Woods (formerly Permanent Secretary to the Board of Trade), which recommends<sup>1</sup> that Mr. Eastwood be transferred to other duties (as "his usefulness as a public servant would be impaired if he were to remain in his present post"), and that no further action be taken in respect of the other four—in two cases because the officials have already been transferred to other work which differs in character and needs from that of the posts in which they had been criticised. Lieutenant-Commander Marten has his costs reimbursed by the Government and is given the opportunity to purchase Crichel Down subject to the existing tenancy. Curtain.

### *Significance of the Case*

The affair aroused considerable public interest. Some of this was no doubt the kind that responds to any *cause célèbre*—from murder to the strange goings on of a film star. Some of it was party political, for government versus private ownership of land is always a lively issue. Both the main parties, however, found themselves rather schizophrenic in their comments—the Conservatives because it was their Minister (and a popular one) and their Government that were being criticised, and the Labour Party because, while wanting to criticise the Government, they were not happy at supporting a large landowner in criticism of the management of publicly owned land. Some of the comments on the Report and its findings were not very well informed or were blatantly partisan. Anyhow the Crichel Down affair was a complicated matter. Sir Andrew Clark's very concise factual narrative required 24 pages and his conclusions a further five pages. It is difficult, indeed almost impossible, to summarise them briefly. The whole Report and the Minister's two statements in the House must be read by all who wish to make any accurate comments. But when the discussion has been trimmed of all personalities, excitement, emotion and political controversy, something still remains. Crichel Down is likely to prove an influential event in the development of the British Civil Service. Already the case has had important repercussions on the atmosphere and method of working of the Service.<sup>2</sup> Also it has caused a reconsideration if not a redefinition of the relations of the civil servant with his Minister and with the public.

The significant feature of the Crichel Down case is that it brought into question, not a Department as a vague corporate body, nor a Minister as the political head of a Department from which he receives anonymous

<sup>1</sup>Report of a Committee appointed by the Prime Minister to consider whether certain Civil Servants should be transferred to other duties (Cmd. 9220). On the 1st November, 1954, Mr. Eastwood was replaced as Permanent Commissioner by Sir Osmund Cleverly (who had retired from the post in 1952) and resumed duties in the Colonial Office.

<sup>2</sup>Among the particular repercussions must be mentioned a "thorough examination" of the organisation and methods adopted within the Ministry and the Agricultural Lands Commission for managing transactions in agricultural land, and an inquiry by a Committee under the Chairmanship of Sir Malcolm Trustram Eve into the present administration of Crown Lands.



advice, but the actions of individual civil servants. These individuals had to give evidence and be examined in public and their files and correspondence were open to Sir Andrew Clark. The six volumes of evidence and much correspondence were available to Members in the Library of the House of Commons. The whole of the administrative process and the parts played by a dozen or more civil servants were subjected to minute scrutiny. Thus the public were able to read about how the report of the Agricultural Land Commission on Cricchel Down to the Ministry was prepared by a recently recruited junior official to the Commission and was incorrect at many points; they heard of the letters that passed between Mr. Eastwood and Mr. Wilcox and of the attitude these officials appeared to adopt to the public and so on. This is the first occasion possibly since the Sadler-Morant dispute of 1903 (a comparatively minor affair) on which the whole of the administrative paraphernalia has been so treated and made public, the share of named civil servants in that process analysed and appraised and their names and actions discussed and criticised in public.

It is legitimate to ask how this serious departure from tradition came about. It is not the first time that Ministers, Departments (even the Ministry of Agriculture) and civil servants have been in error. The Reports of the House of Commons' Committee on Public Accounts always contain a few examples. Thus the Third Report for the Session 1953-4 published in September, 1954 (H.C. 231), contained several examples. The Commissioners of Crown Lands, "in order to facilitate Government policy . . . were induced to pay £112,000 for an asset which, to them, was worth approximately £32,000"; the Ministry of Food might lose as much as £650,000 through accepting delivery of orange juice not in accordance with their specification; and the Ministry of Health permitted the Regional Hospital Boards to buy some 14 houses which then lay unused for two years. These and similar errors that come to light from time to time, though criticised by the Public Accounts Committee, are virtually ignored by the House of Commons. But even the Public Accounts Committee, though it examines leading departmental officials and publishes its proceedings, does not set out to ascribe praise or blame to individuals and only occasionally names an official in its critical comments.

The reason why officials are not named or criticised in public is, of course, the strongly held doctrine of Ministerial responsibility. The great mass of governmental powers are bestowed by Parliament, not on the Cabinet or on Departments, but on the Minister of this or the Minister of that. In the case of the prerogative powers and of Departments of an apparently corporate character (e.g., the Board of Admiralty) the convention is quite clear and well accepted that some individual Minister is responsible. Thus some Minister is responsible for every act of the Government. Civil servants, and for that matter Parliamentary Secretaries, act by virtue of powers conferred on their Minister and each Minister is responsible to Parliament for the action or lack of action of every official employed in his Department. Thus if departmental errors come to light or somebody is dissatisfied with departmental action or decision, criticism in Parliament and in the Press must be directed at the Minister in charge of the Department concerned. The Minister himself, of course, may not be satisfied with the action of one or

other of his officials, but his remedy is to take disciplinary or other measures inside his Department. He cannot publicly disown responsibility for his agents. All this is orthodox British constitutional doctrine and in the end it appears to have been vindicated by Sir Thomas Dugdale's resignation. But, unfortunately for the doctrine, though the Minister's resignation took the sting out of the attack, it came too late to prevent the names and actions of individual civil servants being the subject of public discussion and criticism. Ministerial responsibility was for a time in danger of being blurred and perhaps even a little in question.

It is not at all clear why the Minister ordered a public inquiry into the actions of his officials. In his statement on the day the Clark Report was published, he said the inquiry had achieved his main purpose, which was to deal with rumours and suggestions of bribery and corruption. But, as Mr. Clement Davies pointed out in the full debate, if bribery and corruption were the main issue, why were they not mentioned in the terms of reference? Moreover there exists an accepted procedure for dealing with charges of this kind under the Tribunals of Inquiry (Evidence) Act, 1921, as is shown by the Stanley case of 1948.

The terms of reference are indeed somewhat strange and it would be interesting to know how they came to be drafted. They were:

To inquire into the procedure adopted (a) in reaching the decision that land at Crichel Down should be sold to the Commissioners of Crown Lands; (b) in the selection of a tenant by them; and the circumstances in which those decisions were made, but excluding from the inquiry all questions of governmental policy and, in particular, any question of whether preferential treatment should have been given to any applicant on the ground of previous ownership or occupation of the land.

Thus the major point of policy at issue—who should have got the land—was definitely excluded and attention instead focused purely on the administrative process. These terms of reference and the choice of Sir Andrew Clark could only have been made in the expectation of a thorough public inquiry into the actions of all the officials concerned. It may be, of course, that the Minister and his advisers underestimated the extent of the mess. It would appear from the evidence that the Minister and one or two of the top officials of the Ministry of Agriculture were not in possession of all the facts. Possibly they thought that an inquiry would prove Lieutenant-Commander Marten's criticisms to be unfounded. In any case it is difficult to understand why the Minister did not first order an internal inquiry. The answer, in part, to the last point is, of course, that he did, but that this got caught up in the same inefficiency and atmosphere that pervaded the whole case. Only an internal inquiry by somebody with Sir Andrew Clark's independence and burning desire to get at the truth would really have helped the Minister.

#### *Failure of the Political Process*

In many ways it is remarkable that nothing like this has happened before, certainly since the great increase in the scope and character of governmental powers. At one time Ministers were concerned largely with a few big issues

of public policy. In so far as their Departments had to make decisions in individual cases, these could be made in most instances on lines clearly prescribed by law or in accordance with general policy decisions of the Minister, and the others were unlikely to be so numerous that the Minister and his chief advisers could not give them their personal attention and reach decisions with a full understanding of the facts. Wartime powers and recent legislation have required Departments to make hundreds of thousands of discretionary decisions in individual cases—should this or that piece of land be acquired compulsorily? should X be given a licence to build or to obtain this or that amount of steel or timber? It is clear, even to the uninitiated, that no Minister can handle personally more than the smallest fraction of these cases and, indeed, that whatever the wording of the departmental letter or order the decisions are, in fact, often taken by officials quite low down in the departmental hierarchy. Some of these decisions must have meant a great deal to the individual members of the public concerned—the difference between prosperity or poverty in some instances. It is remarkable that only a few minor cases of bribery or corruption have occurred: it is equally remarkable that we had to wait until Cricchel Down before the decision-making process was publicly examined in an individual case.

There are various explanations. Under wartime conditions most people suffer in some way or other and individuals who complain about the apparent unfairness of a particular official act done in the general interest do not get much popular support. In some instances Departments, appreciating the difficulties inherent in making masses of discretionary decisions, have adopted simply applied and easily understood rules, e.g., allocating materials according to a percentage of consumption in a base year, or they have used Trade or other Associations as a kind of buffer between them and the public. Where possible guidance is given to the decision-makers in the form of broad principles laid down by the Minister or with his explicit approval, e.g., that priority should be given to this rather than to that kind of application. For the rest, individual or general discontent with a Department eventually falls to be handled by the Minister. It may be that a dissatisfied individual raises a matter with his M.P. (as did Lieutenant-Commander Marten), who then asks the Minister concerned to "investigate" and explain, usually in a letter, the reasons for his Department's action. Or if numerous complaints arise representations may be made to the Minister through a Trade Association, Local Authority Association or other form of group interest. The way in which the Minister handles the grumbles and complaints determines, in the long run, the effectiveness of departmental administration and the attitude of the officials all down the line who have to make decisions. If there is a steady and unsatisfied grumbling at the Department's decisions, some day it will be bound to erupt in public. If a number of individuals feel strongly enough to take up matters with their M.P.s, one of them may well be a Lieutenant-Commander Marten. One of a Minister's chief functions, therefore, is to adjust the administrative process to public feeling. He must be sensitive to what the public will or won't stand. He must sense when a case is likely to cause real trouble or when a policy is gradually losing public support. And as he cannot handle everything in his Department, it behoves

those senior civil servants nearest to the Minister also to have sensitive political antennae.

Primarily Crichel Down was a failure of political sensitivity. It would appear that the Minister of Agriculture continued, with little or no change, the policy of his predecessor notwithstanding that the Conservative Government had come into power avowedly to handle government controls rather differently and with much greater regard for individual interests. It would also appear that the Ministry continued to work very much under the wartime atmosphere, even though public opinion was changing against this and other Departments were adjusting their administration accordingly. This general surmise appears to be borne out by the handling of the Marten complaints. The matter was taken up at the political level as early as June, 1952—the Minister and both the Parliamentary Secretaries handled the case on more than one occasion and it was also examined by several top Administrative Class officials. Yet in March, 1953, an Under Secretary at the Ministry, knowing that this piece of land was politically "hot," took part in a decision not to implement a promise which had just come to light that various applicants should have a chance to bid for the land. Moreover, although the case was still "political," those concerned (Ministers and officials) went ahead without apparently making any attempt to deal with the criticisms and doubts which were now becoming more public. In some part this reflects the "tough" attitude of the Ministry and also perhaps the almost inevitable attempt to tire out the complainant (for what would happen to the administrative process if everybody who complained had to be fully satisfied?). Mr. Wilcox wrote, as late as the 20th August, 1953, "Commander Marten it is thought will continue to make himself as much of a nuisance as he can both to you [i.e., Eastwood] and to us so long as he thinks there is any chance of getting either of us to change our minds." The matter was still before those at the political level and it would appear almost certain that the decision on the 11th September, 1953, to lease the land to Mr. Tozer and disregard the criticism of Marten and others was taken if not by the Minister at least with his knowledge. After that things moved quickly and as a result of public agitation in the area, and possibly for other reasons, the Minister decided in October that a Public Inquiry should be held. Thus for 16 or so months this particular case was under the nose of the Minister or his Parliamentary Secretaries and senior officials. Had the political antennae been functioning properly it is difficult to see how one month Marten could have been sent away dissatisfied and the next granted a Public Inquiry.

#### *Failure of the Administrative Process*

Unfortunately for the Civil Service, Crichel Down cannot be written off purely as a failure in the political process. Its public consequences might have been avoided if the political sense had been more acute or if Lieutenant-Commander Marten had been less determined. But Inquiry or no Inquiry, Crichel Down revealed failures in the Civil Service process. For one thing there was undoubtedly a fair amount of sheer inefficiency. At no time does any one person ever seem to have been in full possession of the facts of the case. The information on one or more of the files was inadequate or in-

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accurate.<sup>1</sup> A large part, though by no means all, of this was due to the unusual number of Departments and satellites of the Ministry having a finger in the pie. One of the basic documents in the case, a report supplied by the Agricultural Land Commission to the Ministry following the first raising of the matter by Mr. Robert Crouch, M.P., was found at the Inquiry to have been prepared by a recent junior recruit to the Commission's staff and to be inaccurate at several points. Section 88 of the Agriculture Act, 1947, required an Order to be made when the land was transferred from the Air Ministry to the Ministry of Agriculture, but none was made. No wonder that the Home Secretary could say that "The Service, as a service, is as shocked by the errors brought to light as anyone else" (530 H.C. 1292, 20th July, 1954).

The evidence of inefficiency was, however, not the important aspect of the case except in so far as it raised the question of whether the inefficiency was such as to cause the Minister to make a wrong decision on inaccurate information.<sup>2</sup> Mistakes can occur in the best organisations, and with a large number of employees there are bound to be failures from time to time. Moreover the Land Commission had only been established a few years. What really shook people was the conduct of certain civil servants, including two at a very high level.

The outstanding example of this was the failure to honour the promise made to a number of farmers that they should be given the opportunity to bid for the land. At first this breach was due to the file containing the applications not being known to the new Land Service Officer. In March, 1953, however, the Officer found the file and notified Mr. H. A. R. Thomson, who then notified Mr. C. G. Eastwood. Thomson added that as it was rather late in the day and as he had gone rather far with Mr. Tozer (the eventual tenant), he hoped the matter would go through. Eastwood, instead of inquiring whether the matter could still be handled by publicly advertised competitive tender (which in fairness it must be said was not the custom of the Crown Lands Commission), wrote to Thomson asking him to get a list of the possible applicants so as to judge whether any were likely to have been serious competitors, "and we can then decide, in conjunction with the Ministry of Agriculture, what if anything we need do, at least to appear to implement the promises made to them." Eastwood sent a copy of this letter and the correspondence leading up to it to Mr. C. H. M. Wilcox, an Under Secretary at the Ministry of Agriculture. Wilcox replied on the 25th March, 1953, as follows :

It is of course a pity that Middleton [the Land Service Officer concerned] did not let Thomson have earlier information about the promises given to various farmers on behalf of the A.L.C. that they would be given an opportunity of tendering if it were being let by the Agricultural Land Commission.

<sup>1</sup>The case confirms the old view that reliable filing and registry systems are essential.

<sup>2</sup>"Although there were certain inaccuracies and deficiencies in the information given me, when I took my decision, I had the main facts before me, and my advisers were certainly not guilty of wilfully misleading me," Sir Thomas Dugdale. 530 H.C. Deb. 1190-1. 20th July, 1954.

Clearly if you buy a property then you are in no way bound by these promises,<sup>1</sup> and I appreciate it may be too late for Thomson to go back on anything he may have arranged provisionally with Tozer but I am very glad that you asked Thomson to get hold of the list of names from Middleton so that we can consider whether there is anything that could be done with a view at any rate to appear to be implementing any past promises. I imagine that you and Thomson for your part will be anxious to avoid doing anything that may leave a bad taste in the mouths of any of the disappointed applicants, which might, e.g., prejudice your chance of getting them as tenants for other of your properties on your Bryanston Estate at some future date.

The comments of Sir Andrew Clark were :

When Crown Lands first learnt of the previous applications there would have been no difficulty whatever in then advertising the tenancy for public tender and so keeping faith with the applicants. When Mr. Wilcox received Mr. Eastwood's letter showing that Crown Lands did not intend to do this, the matter should at once have been referred to the Minister for his directions. Mr. Wilcox was guilty of a grave error of judgment in taking upon himself to tell Crown Lands that they would not be expected to implement any promises the Lands Service had made. His ready acceptance of Mr. Eastwood's improper suggestion that something might be done to mislead the applicants was equally improper, and had he not thought that there might be some such way out of the difficulty it is very unlikely that he would have been so ready to tell Mr. Eastwood that Crown Lands could ignore the previous applicants.

There was also more than a suggestion in the findings and the conclusions of the Report that on occasion certain information had been withheld from the next party in the decision-making process so as to make a hoped-for decision more likely. Some of this was, no doubt, a reflection of the general inefficiency and inexperience. Also Sir Andrew Clark stated that Eastwood, Wilcox and Thomson (not a civil servant it should be remembered) and, to a lesser degree, certain junior officials had evinced an attitude of hostility towards Lieutenant-Commander Marten, "engendered solely by a feeling of irritation that any member of the public should have the temerity to oppose or even question the acts or decisions of officials. . . ." This is perhaps stronger language than the evidence warrants. But the Woods Committee took the point very seriously when they stated :

There is no defined set of rules by which the confidence of the public in the administration of Government Departments can be secured and held. Incorruptibility and efficiency are two obvious requirements. In the present case corruption has not been in question ; inefficiency has. Beyond that it is difficult to particularise. But the present case

<sup>1</sup>It should be noticed that the Minister of Agriculture is *ex officio* one of the three members of the Crown Lands Commission, the other two being the Secretary of State for Scotland (*ex officio*) and the Permanent Commissioner. The Commissioners never meet as a body and their business is conducted by the Permanent Commissioner, who refers at his discretion matters of major policy to the Minister.



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seems to us to emphasise one further factor which may be less self-evident but which we regard as of the highest importance. In present times the interests of the private citizen are affected to a great extent by the actions of Civil Servants. It is the more necessary that the Civil Servant should bear constantly in mind that the citizen has a right to expect, not only that his affairs will be dealt with effectively and expeditiously, but also that his personal feelings, no less than his rights as an individual, will be sympathetically and fairly considered. We think that the admitted shortcomings in this respect are the main cause of such loss of public confidence as has resulted from the present case.

Since then this paragraph has been called to the attention of all civil servants in a letter from the Permanent Secretary to the Treasury. The letter from Sir Edward Bridges says :

The circumstances that led up to this report have brought forcibly to their Lordships' attention, as to that of the country as a whole, the need for constant vigilance to ensure respect for the rights and feelings of individual members of the community who may be affected by the work of Departments. The confidence of the public in the administration of Government Departments depends upon this vigilance.

My Lords consider that this most important consideration could not be better expressed than in the words of paragraph 3 of the report : [already reproduced above].

My Lords strongly endorse this view and direct that the attention of all grades of the service should be drawn to it.

The necessities of war, the pressure of official business and above all the political atmosphere of the time have, without doubt, all tended to subordinate the individual to what are considered to be the necessities of the State. So much power is exercised by individual civil servants at all levels these days that the Crichton Down affair will have done good if it succeeds in emphasising the importance of the individual in the administrative process.

It is worth noting that notwithstanding the strong party feeling aroused by the case there was no suggestion in the Report or in Parliament that any of the officials concerned had been influenced by party political motives. Sir Richard Acland and one or two other Labour Members were prepared to attack Sir Andrew Clark because he had been a Conservative candidate and had expressed strong anti-socialist views at the election. Those who advocate complete freedom for all civil servants to take part in party political activities may well ponder over what the Labour (Conservative) Members would have said if one of the officials criticised had been known as an active Conservative (Labour) Party worker.

#### *Implications for Doctrine of Ministerial Responsibility*

What are likely to be the long-term effects? Clearly there has been a shock to public confidence. This may show itself in a greater readiness to question decisions made in Whitehall and to ask whether they are based on full and accurate information. No doubt this will lead Ministers and civil

servants to be particularly careful and to avoid any appearance of riding rough-shod over anybody. And in due course, providing there are no further shocks, the wound will heal and confidence should be restored.

One feature, however, may have more lasting effects. The Crichel Down Inquiry opened up to ordinary human gaze the decision-making process of Whitehall. In place of the Minister or the Ministry, powerful yet vague, and symbol of the public interest, there was revealed a number of officials—some obviously not well-informed, acting like ordinary human beings, sometimes differing amongst themselves, but in the end reaching a decision which then had the full power of the Cabinet and its House of Commons majority behind it. Had the Report dealt at all adequately with the Minister's actions and responsibility for the affair, the actions of the officials would have been seen in better perspective. But their contribution to the decision and their processes of thought and action would still have been laid bare.

In the modern State, when a small number of politicians share with a large number of permanent officials the task of making numerous decisions affecting intimately the lives of masses of citizens, the question is bound to arise from time to time whether it is fair to place the whole responsibility on the politician and whether this is adequate protection for the citizen. Thus, in the case of a local inquiry, e.g., under the Town and Country Planning Acts, there have been many attempts to secure publication of the report of the Inspector holding the inquiry largely in order to throw light on the Minister's decision and to see upon what facts and recommendations he made that decision. This demand has always been resisted on the ground that the decision was that of the Minister and that there is no more justification for revealing the report of the Inspector than the minutes and advice of any of the other officials in his Ministry.

Those who want to bring the part played by individual officials more into the open and even subject them to public blame use several arguments. They point out that a large number of cases are decided without reference to the Minister, sometimes by an official quite low in the hierarchy, and ask why then should the Minister suffer for something which has not been near his desk? Moreover, they argue, asking for the resignation of the Minister is too powerful a weapon for everyday use. Would it not be more appropriate to be able to take direct action against the particular official who did what they consider to be the wrong thing? This is particularly so if the official has either disobeyed instructions or acted in a way which the Minister would not have approved had he known about it beforehand. Why should a Minister have to suffer for any acts of his staff done contrary to his views? The Crichel Down Report has provided ammunition for this school of thought. Though the case was due primarily to a failure of the political process, there was sufficient muddle and error on the part of officials to cause a demand for some form of action against them. The Minister's attempt to excuse them in his first statement only added fuel to the flames. Even *The Times*, after stating quite clearly the constitutional doctrine and the dangers of departing from it, was moved to say that "there will remain considerable disquiet at the apparent immunity of civil servants from public control."

Sir Thomas Dugdale's decision to resign was a brave and welcome

reinforcement of the doctrine of Ministerial responsibility. It is very rare for Ministers to resign or even to allow public inquiry into the actions of their Departments. There was, for example, no resignation over the ground nuts muddle even though a particular Minister was intimately involved. But in the long run it is difficult to see how the resignation of the Minister can be the solution in the everyday case of official error. If, however, the Minister is not to resign, the demand for some action against the official concerned is likely to be the greater, particularly if there are reasons for believing that that decision was contrary to the Minister's views or that the Minister took it on the basis of incorrect information or advice.

In replying to the general debate on the 20th July, the Home Secretary (not, as might have been expected, the Chancellor of the Exchequer) enlarged upon the doctrine of Ministerial responsibility to meet those critics who thought that the doctrine rendered civil servants effectively responsible to no one. After pointing out that all civil servants hold their office "at pleasure" and can be dismissed at any time by the Minister concerned, Sir David Maxwell Fyfe went on to enumerate four different categories of cases in which there may be Parliamentary criticism of a Department and for which he said different considerations applied. They were:

1. Where a civil servant carries out an explicit order by a Minister, the Minister must protect the civil servant concerned.

2. Where a civil servant acts properly in accordance with the policy laid down by the Minister, the Minister must equally protect and defend him.

3. Where a civil servant "makes a mistake or causes some delay, but not on an important issue of policy and not where a claim to individual rights is seriously involved, the Minister acknowledges the mistake and he accepts the responsibility, although he is not personally involved. He states he will take corrective action in the Department." (Col. 1290.)

4. "... where action has been taken by a civil servant of which the Minister disapproves and has no prior knowledge, and the conduct of the official is reprehensible, then there is no obligation on the part of the Minister to endorse what he believes to be wrong, or to defend what are clearly shown to be errors of his officers. The Minister is not bound to approve of action of which he did not know, or of which he disapproves. But, of course, he remains constitutionally responsible to Parliament for the fact that something has gone wrong, and he alone can tell Parliament what has occurred and render an account of his stewardship." (Cols. 1290-91.)

It is interesting to see Mr. Herbert Morrison's views on the subject. Mr. Morrison spoke just before the Home Secretary and on this particular issue he said:

There can be no question whatever that Ministers are responsible for everything that their officers do, but if civil servants make errors or commit failures the House has a right to be assured that the Minister has dealt with the errors or failures adequately and properly, or that he will do so. That is a duty that falls on Ministers as well, and it would

be wrong for a Minister automatically to defend every act of his officers or servants merely because they belong to his Department. Therefore, the House has to be satisfied that he is dealing with the matter adequately. (Col. 1278.)

In his book *Government and Parliament*, published in April, 1954, Mr. Morrison has more to say on this point :

If a mistake is made in a Government Department the Minister is responsible even if he knew nothing about it until, for example, a letter of complaint is received from an M.P., or there is criticism in the Press, or a Question is put down for answer in the House ; even if he has no real personal responsibility whatever, the Minister is still held responsible. He will no doubt criticize whoever is responsible in the Department in mild terms if it is a small mistake and in strong terms if it is a bad one, but publicly he must accept responsibility as if the act were his own. It is, however, legitimate for him to explain that something went wrong in the Department, that he accepts responsibility and apologizes for it, and that he has taken steps to see that such a thing will not happen again. (Pp. 320-1.)

Later he says :

Somebody must be held responsible to Parliament and the public. It has to be the Minister, for it is he, and neither Parliament nor the public, who has official control over his civil servants. One of the fundamentals of our system of government is that some Minister of the Crown is responsible to Parliament, and through Parliament to the public, for every act of the Executive. This is a corner-stone of our system of parliamentary government. There may, however, be an occasion on which so serious a mistake has been made that the Minister must explain the circumstances and processes which resulted in the mistake, particularly if it involves an issue of civil liberty or individual rights. Now and again the House demands to know the name of the officer responsible for the occurrence. The proper answer of the Minister is that if the House wants anybody's head it must be his head as the responsible Minister, and that it must leave him to deal with the officer concerned in the Department.

There is a circumstance in which I think a considerable degree of frankness is warranted. If a Minister has given a specific order within the Department on a matter of public interest and his instructions have not been carried out, then, if he is challenged in Parliament and if he is so minded, he has a perfect right to reveal the facts and to assure the House that he has taken suitable action. Even so he must still take the responsibility. It is, I think, legitimate in such a case that disregard of an instruction should be made known, even if it involves some humiliation for the officer concerned and his colleagues knowing that he was the one who disobeyed ; for the Civil Service should at all times know that the lawful orders of Ministers must be carried out. However, such a situation is rare, though I did experience one and told the House about it.

In all these matters it is well for the Minister to be forthcoming

in Parliament. Unless the matter is exceptionally serious nothing is lost by an admission of error. The House of Commons is generous to a Minister who has told the truth, admitted a mistake, and apologized; but it will come down hard on a Minister who takes the line that he will defend himself and his Department whether they are right or wrong or who shuffles about evasively rather than admit that a blunder or an innocent mistake has been made. (Pp. 323-4.)

What does all this add up to? In the first place it confirms the doctrine of Ministerial responsibility. Civil servants, whatever their official actions, are not responsible to Parliament, but to a Minister. It is the Minister who is responsible to Parliament and it is he who must satisfy the majority in the House of Commons that he has handled a particular policy or case properly. It is for the Minister, therefore, so to direct, control and discipline his staff that his policy and views prevail. But the fact that the Minister is responsible for everything done, or not done, by his Department does not render the civil servant immune from disciplinary action or dismissal by the Minister nor even from public admonition by him in extremely serious cases, nor does it prevent the Minister from admitting to Parliament that his Department is in error and reversing or modifying the decision criticised.

On the whole the House of Commons and the Press behaved with a high regard for the constitutional doctrine. In the general debate the resignation of the Minister and the recommendations of the Woods Report rather took the wind out of the sails of those who might have asked for official heads to fall. Even so there appeared to be general concern at the danger of individual civil servants being the subject of Parliamentary and public discussion. But it would be useless to deny that Crichton Down has raised doubts in people's mind about the public responsibility of officials. Some must have been left with the impression that the Minister had come off pretty badly, but that little or nothing had happened to the civil servants involved. The Home Secretary's attempt to restate the doctrine of Ministerial and official responsibility was hardly made on the spur of the moment and shows that the Government felt that something more was necessary than a reiteration of the simple doctrine that a Minister is responsible for all the actions of his officials.

This restatement and Mr. Morrison's recent writing take account of the fact that a Minister can deal personally with only a small part of the decisions made by his Department. They would appear to open up the possibility of a distinction being drawn between actions for which the Minister is responsible both to Parliament and also personally, and those for which he still remains responsible in the Parliamentary sense, but which, it is known, are the fault of some official. As things stand at present, however, the latter class is likely to be very rare. A Minister appreciates that he often gains personal credit for the actions of anonymous officials and that he must take the rough with the smooth. More important, he appreciates that his political future will not be improved by appearing to be weak and having ineffective control over his Department. Any Minister who tried to avoid criticism by blaming his officials would soon lose his Parliamentary reputation and be felt to be an unsure Cabinet colleague.

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# A Vindication of the British Constitution

By PROFESSOR K. C. WHEARE

*This appraisal by the Gladstone Professor of Government and Public Administration in the University of Oxford of Mr. Herbert Morrison's recent book "Government and Parliament," was broadcast in the Third Programme on 28th October, 1954.*

THE British Constitution is, roughly speaking, what the people who work it think it is. Yet how rarely those who are in a position to know, tell us what they think. The best book on the British Constitution in the nineteenth century was written not by a statesman, but by a journalist and banker, Walter Bagehot. And if you wanted to study the subject further you could look at the works of a novelist, Anthony Trollope, who, it is true, was also a civil servant, but a civil servant only in his spare time. And yet it is not that our statesmen were not writing men. They did write books. Mr. Gladstone wrote on Homer and on Church and State; Disraeli wrote novels; Lord Rosebery wrote biographies; Mr. Balfour discoursed on "Philosophic Doubt";<sup>1</sup> and in our own day we are accustomed to having a Prime Minister who, whether in the guise of biography or of autobiography, writes first-rate books on history. But even Mr. Churchill, with all his range and power as a writer, has not written a book on the Constitution. It was only indeed in recent years, with the publication in 1947 of Mr. L. S. Amery's *Thoughts on the Constitution*, that a statesman of the first rank had thought it worth while to comment on the system of government which he had known from the inside. And now this year in Mr. Herbert Morrison's *Government and Parliament* we have the first full-dress survey of the working of the Constitution from the inside by one who has been for many years at the centre of events.

In all that I have said so far I do not forget that Disraeli wrote a book on the Constitution. His *Vindication of the English Constitution* was a powerful tract, but it was published in 1835, two years before he was elected to the House of Commons, and very many years before he could claim to know anything about the subject. Mr. Morrison's book resembles Disraeli's in one or two respects. It too is a work of the imagination, but whereas in Disraeli's book the imagination of the fiction-writer was applied to English constitutional history, in Mr. Morrison's book the imagination of the political artist brings to life what in the hands of most writers is dead and dull—the theory and working of our political institutions. Above all, Mr. Morrison's book is, like Disraeli's, a vindication of the English constitution, but it is a vindication based not only upon tradition and faith, but also and mainly upon experience.

## A Front Benchers' Constitution

Mr. Morrison's book is a front benchers' book. And this is not surprising for, in the twenty years and more that Mr. Morrison has had as a member of the House of Commons, only about a year was spent, in the parliament

<sup>1</sup>His introduction to the World's Classics edition of Bagehot's *English Constitution* (1928) is an indication of the brilliant speculative book he might have written on the constitution had he chosen to do so.

of 1923-24, as a back bencher. For the rest of his time, since he returned to the House in 1929 and served as Minister of Transport in Mr. MacDonald's government from 1929 to 1931, he has been, in office or out, a front bencher. But a front bencher's book about the British Constitution is really most appropriate, for if there is one thing more certain than another in these matters, it is that the British Constitution is a front benchers' Constitution. I mean by that that our system of government works on the assumption that our political parties will follow their leaders and we think that there is something wrong if they do not or cannot. We think that if they cannot follow their leaders, if there are conflicting voices on the front benches or contradicting voices from the back benches, it is time a party changed its leaders and chose others which it could follow. In the same way we think that the normal and proper thing to happen in the House of Commons is for the government to win. If they are defeated or if they are in a constant state of hesitation or retreat, we think it is time they went out and made room for a government which could win. We regard government defeats as an abnormal state of affairs and the sooner it is remedied, the sooner we can get back to normal. We expect the government front bench to be in control of the House.

Now I know that from time to time people talk as if they did not believe this. They speak of Cabinet dictatorship, of members of parliament being mere voting machines, of front bench domination, and they profess to believe that a few defeats now and then are just what a government needs. And yet when it happens, when front benches lose control or are divided against themselves, how we do cry out about lack of leadership, that a government's business is to govern, that the government does not know its own mind. And, of course, when a government occasionally allows a free vote on a matter of importance, how we criticise it for lacking courage to take a line of its own. No, it seems to me that, whatever we may say, we proceed, most of us, on the assumption that parties should follow their leaders, that the front bench, in office or in opposition, should be able to control its back benchers, so that in the result, we may have not only responsible government, but also responsible opposition. And if we need any proof that this is our attitude, we need go no further than ask ourselves what we think of the system of government in France. We may call it many things, but it is not a front benchers' Constitution.

Do not misunderstand me. I am not saying that we believe in cabinet or front bench dictatorship. Leaders are not the same thing as dictators. We believe that the leaders of our parties must be the elected by the free choice of their followers and we believe that it is the leaders' business to see to it that their followers can follow them. And here Mr. Morrison's book contains probably its most valuable contribution to our understanding of our front benchers' Constitution. Not only was it his job in Mr. Attlee's government from 1945 to see to it that the followers followed, but the art or technique of leadership in the party and the House of Commons is one at which he is an acknowledged master, and of which he has a really profound understanding. His two chapters on this subject (Chapter Six entitled "How Government and Parliament Live Together—or Die," and Chapter Seven, "Party Organisation in Parliament") are among the best things in

the book.

"Governments have to govern," he says, and he is completely clear in his mind that "it is not possible to inform or consult the party meeting in advance of decisions," as some of the Labour back benchers urged, particularly in the early days of the Labour Government of 1945. "It would be unconstitutional," he writes, "injurious to good government, and likely to lead to ill-thought-out decisions being foisted upon the government, to admit the right of the party to instruct Ministers or to receive premature details in advance of Cabinet decisions. The quality and coherence of government would deteriorate and great delays and confusion would arise. It just would not work. A government placed in that position would not last very long either with the House of Commons or with the electorate." This is emphatic language. In case any of you may be inclined to think that, emphatic as the language is, it states no more than an obvious and universally accepted attitude, let me say that Cabinet government in many other countries is not conducted in this way and that in the British Commonwealth itself Labour governments in particular do not claim or are not awarded this degree of independent action which Mr. Morrison considers essential. In Australia, for example, a Labour Prime Minister is presented by his party with his front bench and he may then allocate the portfolios. The government's actions are closely controlled by the party meeting. It is back bench, if not back room, government.

#### *Cabinet and Parliament*

It is remarkably interesting therefore to find Mr. Morrison asserting so firmly that the government, though responsible to Parliament, has a degree of independence from it. I am reminded of a passage in Mr. Amery's *Thoughts on the Constitution* when he wrote: "A British government is not merely responsible to those who have appointed it or keep it in office in the sense in which an agent is responsible to his principal. It is an independent body which on taking office assumes the responsibility of leading and directing Parliament and the nation in accordance with its own judgment and convictions." Labour and Conservative leaders agree on this principle of the British Constitution as based, in Mr. Amery's words again, "on a continuous parley or conference in Parliament between the Crown, i.e., the Government as the directing and energising element, and the representatives of the Nation whose assent and acquiescence are essential and are only to be secured by full discussion." It is interesting to realise that the Constitution in this respect, as a front benchers' Constitution, is regarded as a fit instrument of government by parties so different in history and structure and aims as the Conservative and Labour parties. Their reasons may differ. Mr. Amery is thinking a good deal about tradition and authority; Mr. Morrison is concerned with leadership and efficiency. But their agreement is remarkable. And I should guess that Mr. Aneurin Bevan would probably adopt a similar view of the proper relation of front and back benchers.

But having asserted this principle emphatically, Mr. Morrison asserts with equal emphasis that it by no means follows that the government is, or should be, isolated from its back benchers. "A Cabinet that proceeded to ride rough-shod over the feelings and wishes of its supporters, relying

on the Whips to enforce its will, would be asking for trouble; and it would not be long before it got it. It must be ready to take a firm line on essential matters of public interest, but a Government cannot hold its majority together unless it takes trouble to do so." And he tells us how he took trouble himself in the parliament of 1945. He had already, he felt, seen how not to do it in the minority Labour governments of 1924 and 1929-31. His own view was that "although there were elements among the back benchers who were fractious, difficult, and needlessly troublesome, the fault rested as much if not more with the government." "Relations degenerated into a state of almost settled and accepted non-co-operation." So in 1945, Mr. Morrison devised his small Liaison Committee which, he says at once, "would not attempt to lead the party," but whose "principal duty would be to arrange for Ministers to attend the party meeting itself," so that they could explain their policies and deal with any criticisms or dissatisfaction. This Liaison Committee consisted of a back bench chairman and vice-chairman, elected by the Parliamentary Party, the Leader of the House of Commons and the Chief Whip, and, in order to give it a non-ministerial majority, a Labour Peer who was not a Minister. Mr. Morrison assures us that the system worked well and we can believe him. It is certain, however, that its success depended very largely on the skill of the Leader of the House, Mr. Morrison himself, and his colleague, the Chief Whip. Mr. Morrison's discussion of the Whips' work is full of interest. Almost for the first time in a book on British government, No. 12 Downing Street—where the Whips have an office—is shown in its working connection with No. 10 and No. 11, and its true significance in relation to them is effectively demonstrated. And it is not too much to say that, if we understand No. 12, we will not misunderstand No. 10.

Indeed, from what Mr. Morrison writes, it sounds as if the Labour Party Whips in the years from 1945 to 1951 were the kindest of men. "It is a widespread belief," he writes, "that the Whips have no other duty than to bully and coerce Members against their will into voting in the party lobby and speaking in accordance with the 'party line.' This is an inaccurate and incomplete picture of the functions of the Whips. It is persuasion rather than bullying that is the rule; it is reasoning with a recalcitrant Member rather than coercion that is the general practice. The good Whip seeks to avoid a situation in which the troubled or troublesome Member is driven to choose between forced, humiliating conformity, and flagrant revolt which may raise all the difficult problems of official disciplinary action." But he is obliged to add: "There are extreme cases from time to time which may justify and, indeed, necessitate straight speaking, but peaceful persuasion, friendly reasoning, and argument based on the need for keeping the party together, are far more normal and effective." As an innocent outsider, I confess I find this all believable and indeed almost inevitable. The only time when I felt my credulity strained by Mr. Morrison's account of how good-natured everybody was to everybody else was when I read the sentence: "I would myself see troubled—or troublesome—M.P.s if necessary. Such interviews were normally pleasant and helpful." I daresay many headmasters think that about the interviews they have with troubled or troublesome schoolboys.

*Cabinet Meetings*

Every author hopes that he has written a book that will live. Mr. Morrison's book is sure of a certain kind of immortality, immortality in the footnotes of text books on the British Constitution. Now whether he will value that sort of immortality I do not know. It is, of course, the one sort of immortality which professors long for, but statesmen usually conceive of fame in other terms. Whether he likes it or not, however, Mr. Morrison's book is a constitutional document in itself and its authority will be invoked by writers and teachers for years to come. Sometimes he tells us interesting and significant small things which no one has mentioned before. Right at the beginning he describes how, before a Cabinet meeting, Ministers gather in the hallway of No. 10 Downing Street, and talk informally about the weather, or public opinion, or trouble in parliament. Then in a little while the Prime Minister or the Secretary to the Cabinet will appear and invite Ministers to assemble round the long table covered with green baize. Now I do not know what you thought, but I had always imagined that when Ministers arrived for a Cabinet meeting, they went straight in to the Cabinet room and sat down at the table. This waiting in the hallway is significant. Not only does it have a value, as Mr. Morrison says, as a period of social intercourse which is conducive to tolerance and good temper round the Cabinet table, but it illustrates the Prime Minister's position in what seems to me a revealing way—his pre-eminence, his detachment, and at the same time, in a homely way, the fact that he is their host as well as their leader. They meet in his house. And it is in this hallway also that Ministers not in the Cabinet wait until summoned within to deal with the items with which they are concerned.

That wait in the hallway must often have political consequences, while the Minister's confidence in his case declines or his indignation at being kept waiting rises. It helps me to understand just how much is involved for a minister—and for a ministry also—in being in the Cabinet or outside the Cabinet.

Again, had you thought it likely that a good deal of voting would go on in Cabinet meetings? There is, of course, a very great reluctance in committee work in Britain to carry an issue to a vote. And the Cabinet is no exception. Conclusions have to be reached, but, says Mr. Morrison, "this is not done by voting, for the holding up of hands or the calling of 'Aye' and 'No' would not only be regarded as a breach of Cabinet decorum, but would also be felt to symbolise and demonstrate, nakedly and unashamedly, a lack of Cabinet unity and solidarity which is always deprecated. In most cases the Prime Minister is able, with the assent of the Cabinet, to state that the general view would appear to be so and so, and that is duly recorded in the Conclusions on the decision reached. But there are occasions when it is necessary to 'collect the voices,' that is to say, to go round the table and get the views of Ministers for and against the proposition under consideration. Somebody is carefully noting the numbers each way and at the end the Prime Minister will declare the predominant view, avoiding the figures if he can. This, of course, is very near formal voting, but we protect tradition by somewhat regretfully collecting the voices and counting them as informally as we can."

*Appointment of Permanent Secretaries*

These may seem small points to you, and perhaps they are. What is not a small matter, however, is the method by which the permanent heads of government departments are appointed, and on this topic Mr. Morrison gives information which I myself have not seen in print before, and which appears to bear the mark of authority upon it. His two pages on this subject are as important and revealing as anything in the book. I wish I could quote them in full. They are worth reading for they illustrate an important principle of the British Constitution today—the virtual autonomy of the Civil Service. You will see what a large share in deciding who is to be the head of a government department rests with the Permanent Secretary of the Treasury, the Head of the Civil Service, acting in consultation with the retiring head of the department concerned. It is only when the Permanent Secretary of the Treasury and the retiring Permanent Secretary of the Department concerned have discussed the succession that the matter is discussed with the Minister concerned, and thereafter a submission is made to the Prime Minister. The very great influence which rests with the Permanent Secretary to the Treasury in this procedure is apparent. "It is, of course, possible," as Mr. Morrison says, "that either the departmental Minister and/or the Prime Minister, will be unable to accept the recommendation and that difficulty may arise." But, he adds, "I gather that this is a rare contingency."

*A Constitutional Document*

It is not only because of the things he tells us which we did not know before that Mr. Morrison's book should be regarded as a constitutional document. Of equal importance to the historian of the Constitution is his record of things which, in a general way, we know already. Even when he says things which other people have said, it is significant for it means that one who has seen the Constitution from the inside and worked it continuously for over ten years in office still maintains these views. Thus his defence of constitutional monarchy and his rejection of the idea of the elective president, though it is based upon no new arguments, is a significant fact in the history of the Constitution. So also his chapter on the House of Lords, though not startling or revolutionary, is a valuable lesson on the way reform and adaptation and adjustment are preferred to more drastic steps—an attitude which, on this particular question, was exhibited both by the Conservative leaders in the Lords and the Labour leaders in the Commons.

The English Constitution which Disraeli vindicated does not exist now, if indeed it ever did exist. And we may assume that the British Constitution which Mr. Morrison vindicates will not continue unchanged for ever. Yet with all its changes it has proved to be what the doctors call "a robust constitution." You remember that in *Our Mutual Friend*, Mr. Podsnap said to the French gentleman: "We Englishmen are very proud of our Constitution, sir. It was bestowed upon us by Providence. No other country is so favoured as this country." Some people may doubt whether this is true. Others may think that even if it is true, Englishmen should not say it. Mr. Morrison, an Englishman if ever there was one, does not go quite so far as Mr. Podsnap. But he goes quite a long way. And may I, an Australian, say that I go along with him.



## Local Government in Parliament

By PROFESSOR W. J. M. MACKENZIE

*Professor Mackenzie surveys the information at present available about the local government experience of Members of Parliament and provides data for other countries.*

IN an article published in PUBLIC ADMINISTRATION in Winter, 1951, I made some points about the representation of local government in the House of Commons, and illustrated them by statistics based on the biographies of M.P.s in *The Times* guide to the General Election of 1950. The statistics given were far from comprehensive, but seemed to me to show that "the House of Commons is not really strong in experience of local government outside London."<sup>1</sup>

In preparing his book about the General Election of 1951, Mr. D. E. Butler collected from a variety of sources much fuller information about all candidates successful and unsuccessful, and he published a brief analysis referring to "Local Government in Parliament" in PUBLIC ADMINISTRATION in Spring, 1953.<sup>2</sup> His table, based on fuller information than mine, showed a rather higher proportion of M.P.s with experience in local government. His conclusion was that "when at least 36 per cent. of M.P.s have served in Local Government, Local Authorities cannot seriously claim that they lack representation."

This is the sort of disagreement which arises when conclusions are drawn incidentally from data collected for other purposes, and there can be no real solution without a specially designed inquiry. In particular, we have been using in a rather loose way phrases like "experience in local government," and "representation of local government," which would have to be defined much more clearly in a proper inquiry. There are, however, two preliminary questions on which one can get some further light from material already available:

(a) Does information about candidates in Great Britain suggest any points of interest for further analysis, for instance about variations in practice between different parties, different areas, different types of local authorities, different types of M.P.s?

(b) There is no "absolute" standard of "adequacy" in these matters: can any "relative" standard be established by comparison between British practice and that of other countries?

The figures given here are given under considerable reserves as to their accuracy and comparability, and they do not justify elaborate statistical analysis. But they suggest some points which may be worth following further.

### LOCAL GOVERNMENT AND THE HOUSE OF COMMONS

I am greatly obliged to Mr. Butler for giving access to his card index of candidates in the election of 1951 and to Mr. G. M. Higgins for analysing Mr. Butler's data from the point of view of local government.

The information comes mainly from the candidates themselves. On general grounds one would expect its accuracy to be fairly high.

# PUBLIC ADMINISTRATION

The following are the most important points of-definition :

(a) So far as possible, Mr. Higgins has followed the same practice in the definition of " Conservative " and " Labour " candidates as was adopted by Mr. Butler in his book about the election of 1951.

(b) The figures given cover all constituencies in England, Scotland and Wales, but exclude Northern Ireland.

(c) " Local Government experience " has been defined as past or present membership of any local authority in this area except a parish council. It may be wise to remind readers that this is a " conventional " definition, and says nothing about the length or quality of the experience ; and that it does not distinguish between present membership and membership in the past, recent or remote.

(d) I have continued to write rather loosely about the " representation " of local government in Parliament and in central assemblies in other countries. This is convenient, but " representation " is a word with various complex implications, and in a more formal study it might be wise to use a more colourless word such as " integration " to describe inter-locking membership of elected bodies at different levels.

TABLE I  
*Successful and Unsuccessful Candidates*

Candidates	Conservative			Labour		
	Succ.	Unsucc.	Totals	Succ.	Unsucc.	Totals
Totals .. .. .	312	293	605	295	318	613
With Local Government Experience .. .. .	68*	102	170	155*	136	291
Percentages .. .. .	22%	35%	28%	53%	43%	47%

\*Mr. Higgins has found two more M.P.s with local government experience than has Mr. Butler.

Table I confirms for candidates what is already known about M.P.s ; Labour candidates as a whole have more experience in local government than Conservative candidates. The difference is narrower for unsuccessful candidates than for M.P.s : that is to say, safe seats go more readily to local government men in the Labour Party than in the Conservative Party.

If the figures are analysed by type of constituency (as in Table II) it can be seen that the discrepancy between the Parties is largest in County Boroughs in England and Wales, and that Labour practice seems to vary less than Conservative practice between constituencies of different types. But too much weight should not be placed on these figures. The official classification of Parliamentary constituencies is from the political and social point of view rather arbitrary ; and in any case national averages conceal wide local variations. For instance, it looks at first sight as if there were striking differences between Conservative practice in English County

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TABLE II  
Successful and Unsuccessful Candidates by Type of Constituency

Constituency	Candidates	Conservative			Labour		
		Successful	Un-successful	Totals	Successful	Un-successful	Totals
County Borough Constituencies (E. and W.) ..	Totals .. ..	69	106	175	106	71	177
	Local Government Experience ..	13	41	54	55	26	81
	Percentages .. ..	19%	39%	31%	52%	37%	46%
Other Parliamentary Boroughs (E. and W.) ..	Totals .. ..	56	72	128	73	56	129
	Local Government Experience ..	17	23	40	44	28	72
	Percentages .. ..	30%	32%	31%	60%	50%	56%
Scottish Burghs .. ..	Totals .. ..	12	19	31	20	12	32
	Local Government Experience ..	6	5	11	11	4	15
	Percentages .. ..	50%	26%	35%	55%	33%	47%
County Constituencies (Great Britain) .. ..	Totals .. ..	175	96	271	96	179	275
	Local Government Experience ..	32	33	65	45	78	123
	Percentages .. ..	18%	34%	24%	47%	44%	45%

Boroughs and in Scottish Burghs; on a percentage basis Conservative candidates with local government experience seem to do four times better in Scotland than in England. But when the figures are looked at in detail it can be seen that the Scottish figures are based only on Edinburgh and Glasgow, and that there are wide variations between different English cities.

This is illustrated by Table III, which points to the danger of generalisation about local and national politics. In the last resort the political system is unified by party discipline in the House of Commons, and figures for the whole country bring out important facts about the House of Commons. But they also conceal wide local variations which are still of great importance in British politics.

If Labour on the whole gives more seats to men and women with local government experience than do the Conservatives, this suggests that it may be worth correlating the Labour figures with those for Trade Union M.P.s who hold a high proportion of safe Labour seats. The figures are familiar:<sup>3</sup> in the election of 1951, out of 137 Labour candidates backed by Trade Unions 104 were successful, out of 476 other Labour candidates 191 were successful. Out of 37 Labour M.P.s with majorities of over 20,000, 29 are T.U. M.P.s. Mr. Higgins has taken the seven Unions which are most active in parliamentary representation, and also all other Trade Union candidates, and the result is shown in Table IV.

These figures are interesting and may be unexpected. They can be re-expressed in two ways. The proportion of Trade Union Members with local government experience was far higher than that of any other class of M.P. (between 70 and 75 per cent.) in both these Parliaments. Trade Union members are about one-sixth of the House of Commons, they supply about one-third of its experience of local government. It is hard to say what this means for the representation of local government: but the figures suggest that we should look again at some of the commonplaces about the place of the Trade Union M.P.s in British politics. Many of these men are local leaders as well as being Trade Union officials, and there are some areas in which this is very important both for Trade Unionism and for local government.<sup>4</sup> But the matter can only be taken further by detailed study of particular areas and Unions.

Mr. Higgins has correlated local government experience with size of majority, and (as could be expected) a rather high percentage of Labour M.P.s with big majorities have had local government experience. This is largely a reflection of the position about Trade Union M.P.s, and it is unnecessary to reproduce his table here.

One point raised by Mr. Butler and myself was that of experience in local government "outside London." The definition of "London" is notoriously difficult: I took a wide definition of the Metropolitan area, Mr. Butler took a narrower one. To my mind, "political London" lies somewhere between the two: but there is no convenient statistical area that corresponds to it exactly, and it is certainly safer to use Mr. Butler's definition than mine, since there is no doubt that the whole of his area is metropolitan in character.

Mr. Butler found that out of 258 authorities mentioned by M.P.s a third (83) were in the Metropolitan area; 32 out of 67 Conservative M.P.s

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TABLE III  
Successful and Unsuccessful Candidates : Some Large Cities

City	Candidates		Conservatives			Labour			Totals (both Parties)
			Successful	Unsuccessful	Totals	Successful	Unsuccessful	Totals	
Birmingham	Total .. ..	..	4	9	13	9	4	13	26
	Local Government Experience	..	0	5	5	5	3	8	13
Edinburgh	Total .. ..	..	4	3	7	3	4	7	14
	Local Government Experience	..	2	1	3	0	0	0	3
Glasgow ..	Total .. ..	..	7	8	15	8	7	15	30
	Local Government Experience	..	4	1	5	8	4	12	17
Leeds ..	Total .. ..	..	2	5	7	5	2	7	14
	Local Government Experience	..	1	2	3	3	2	5	8
Liverpool ..	Total .. ..	..	5	4	9	4	5	9	18
	Local Government Experience	..	3	1	4	3	1	4	8
L.C.C. area	Total .. ..	..	14	28	42	29	14	43	85
	Local Government Experience	..	6	12	18	20	7	27	45
Manchester	Total .. ..	..	4	5	9	5	4	9	18
	Local Government Experience	..	1	3	4	3	1	4	8
Sheffield ..	Total .. ..	..	2	5	7	5	2	7	14
	Local Government Experience	..	0	1	1	1	0	1	2

TABLE IV  
Trade Union Sponsored Candidates

Union	Candidates	1950 Election			1951 Election		
		Successful	Unsuccessful	Totals	Successful	Unsuccessful	Totals
N.U.M. .. ..	Total .. .. Local Government Experience	37 26	0 0	37 26	36 26	1 1	37 27
T.G.W.U. .. ..	Total .. .. Local Government Experience	16 12	3 0	19 12	14 11	3 1	17 12
N.U.R. .. ..	Total .. .. Local Government Experience	10 8	2 1	12 9	9 7	2 1	11 8
U.S.D.A.W. .. ..	Total .. .. Local Government Experience	8 3	1 1	9 4	8 2	2 1	10 3
R.C.A. (T.S.S.A.) .. ..	Total .. .. Local Government Experience	8 6	4 2	12 8	7 6	4 2	11 8
A.E.U. .. ..	Total .. .. Local Government Experience	8 7	2 0	10 7	7 5	6 4	13 9
N.U.G.M.W. .. ..	Total .. .. Local Government Experience	6 5	4 2	10 7	4 3	1 1	5 4
Other Unions .. ..	Total .. .. Local Government Experience	18 15	14 6	32 21	19 13	14 10	33 23
All Unions .. ..	Total .. .. Local Government Experience	111 82	30 12	141 94	104 73	33 21	137 94

Note : The Labour Party Annual Conference Reports have been taken as the authority for T. U. sponsorship ; the details for 1951 are from Mr. Butler's card-index ; those for 1950 are taken from other sources, chiefly *The Times* guide, and are thus less complete, particularly for unsuccessful candidates.

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Note : The Labour Party Annual Conference Reports have been taken as the authority for the figures in this table, except where otherwise stated. Mr. Butler's card-index ; those for 1950 are taken from other sources, chiefly *The Times* guide, and are thus less complete, particularly for unsuccessful candidates.

TABLE V  
*Successful and Unsuccessful Candidates by Regions*

Regions	Candidates	Conservative			Labour			Totals (both Parties)
		Successful	Unsuccessful	Totals	Successful	Unsuccessful	Totals	
England: Metropolitan	Total	46	49	95	50	46	96	191
	With Local Government Experience Percentage	17 37%	17 35%	34 36%	32 64%	21 46%	53 55%	87 46%
*N.W.	Total	43	40	83	40	44	84	167
	With Local Government Experience Percentage	8 19%	19 47%	27 33%	25 62%	20 45%	45 53%	72 43%
Rest of England	Total	182	142	324	143	183	326	650
	With Local Government Experience Percentage	34 19%	50 35%	84 26%	70 49%	77 42%	147 45%	231 36%
Scotland	Total	35	35	70	35	36	71	141
	With Local Government Experience Percentage	8 23%	8 23%	16 23%	16 46%	14 39%	30 42%	46 33%
Wales	Total	6	27	33	27	9	36	69
	With Local Government Experience Percentage	1 17%	8 30%	9 27%	12 44%	4 44%	16 44%	25 36%

\* Cumberland, Westmorland, Lancashire, and Cheshire.

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TABLE VI  
Candidates with Local Government Experience in their own Constituency

Regions	Candidates	Conservative			Labour			Totals (both Parties)
		Successful	Unsuccessful	Totals	Successful	Unsuccessful	Totals	
England: Metropolitan	Total with L.G.E. L.G.E. in own constituency .. Percentage ..	17 8 47%	17 3 18%	34 11 32%	32 19 59%	21 7 33%	53 26 49%	87 37 43%
North-West	Total with L.G.E. L.G.E. in own constituency .. Percentage ..	8 5 62%	19 10 53%	27 15 56%	25 9 36%	20 7 35%	45 16 36%	72 31 43%
Rest of England	Total with L.G.E. L.G.E. in own constituency .. Percentage ..	34 13 38%	50 17 34%	84 30 36%	70 22 31%	77 21 27%	147 43 29%	231 73 32%
Scotland .. ..	Total with L.G.E. L.G.E. in own constituency .. Percentage ..	8 6 75%	8 7 87%	16 13 81%	16 14 87%	14 6 43%	30 20 67%	46 33 72%
Wales .. ..	Total with L.G.E. L.G.E. in own constituency .. Percentage ..	1 1 100%	8 2 25%	9 3 33%	12 9 75%	4 3 75%	16 12 75%	25 15 60%
Totals .. ..	With L.G.E. .. L.G.E. in own constituency .. Percentage ..	68 33 49%	102 39 38%	170 72 42%	155 73 47%	136 44 32%	291 117 40%	461 189 41%

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with local government experience had obtained it in that area, 41 out of 154 Labour members. Mr. Higgins has prepared an analysis by "regions" which puts the matter in a rather different light. Table V gives his figures in so far as they suggest points of interest.

The Metropolitan area in the narrower sense is outstanding in both parties for its ability to call on candidates with experience in local government; and the South-East, which (besides the East Anglian countryside) includes the outer suburbs of London, is also pretty high in its percentage of local government candidates. These areas together return 196 out of 613 M.P.s for Great Britain, so that their position in the House of Commons is extremely important and they contribute a large share of the *total* candidates with local government experience.<sup>5</sup> But the *percentage* of candidates from local government is not greatly above that in other areas, with the possible exceptions of the Midlands and the South-West, which include a high proportion of constituencies of a relatively old-fashioned rural type.

It should be noted that Table V relates to candidates with local government experience anywhere in Great Britain; the figures do not therefore match Mr. Butler's figures of 32 Conservative M.P.s and 41 Labour M.P.s with experience of "local government in or around London." This point is better illustrated by another set of figures (Table VI), which relates to candidates with local government experience in the area for which they stood as candidates. The definition of "area" here is a little arbitrary, and there are minor discrepancies between the figures reached by Mr. Butler (who found 113 M.P.s with local government experience in their own constituency) and Mr. Higgins (who found only 106). This does not affect the general picture; once more the Metropolitan area and the North-West stand rather apart from the other regions of England, and it becomes obvious that Scotland and Wales have a pattern of their own which is unlike the English pattern.

Table VII (a) and (b) illustrates the special position of London more forcibly. There seems to be here a pretty strong indication of an established "ladder" from local to national politics, such as is familiar in some other countries. Nothing like this exists generally over a wide area elsewhere in Britain: but there are some marked local exceptions. For instance, 12 out of 15 M.P.s for Glasgow have had experience in local government: all 12 have served on Glasgow City Council.

TABLE VII  
(a) Candidates with L.G.E. in Metropolitan Area

Candidates	Conservative			Labour		
	Succ.	Unsucc.	Totals	Succ.	Unsucc.	Totals
Total with L.G.E. ..	17	17	34	32	21	53
L.G.E. within Metro- politan Area .. ..	16	13	29	30	17	47
Percentages .. ..	94%	76%	85%	94%	81%	89%

TABLE VII (continued)

(b) *Candidates with L.G.E. in L.C.C. Area*

Candidates	Conservative			Labour		
	Succ.	Unsucc.	Totals	Succ.	Unsucc.	Totals
Total .. .. .	14	28	42	29	14	43
Total with L.G.E. ..	6	12	18	20	7	27
L.G.E. in own M.B. ..	4	3	7	13	3	16
L.G.E. in Metropolitan Area .. .. .	6	10	16	19	5	24

## OTHER COUNTRIES

When I suggested originally that local government is "under-represented" in the House of Commons, I was implying a rough comparison with the position in a number of other countries. It is a commonplace that in Britain the "carpet-bagger" has been a great figure in politics from the time of Queen Elizabeth I<sup>6</sup>: and that in many other countries there is (by contrast with this) a political "career" which leads from a local assembly to a regional assembly, and from there to the national assembly. We have all been told about the importance of the "locality rule" in American politics, as a means of bringing the parish pump to the Capitol. Where a ladder of this sort exists it may be much more important than the legal structure of local government. French local government is legally subject to strong central control; but many *Députés* are also members of local authorities, party discipline is not strict except in the Communist Party (which is now purely an opposition party), and the result is that political localism is often a good deal stronger than legal centralism. At the other extreme is Russia, where a relatively loose legal structure is made to work with rigid centralism by strict discipline within the governing party, which transmits orders down the party "ladder" to the aspiring party men in the local authorities. My original hypothesis, not very clearly framed, was that the forms of British law give local government a status of exceptional freedom, but that legal autonomy was over-ridden in practice by party discipline and the prevalence of the "carpet-bagger." I had hoped, after reading Mr. Butler's note, that it might be possible to put this in more exact form by statistical comparison with other countries: but on the whole I have to report failure. The trouble is that it is impossible to get adequate statistics on a fully comparable basis for any two independent parliamentary systems. I am, however, very much indebted to those who have helped in collecting figures, and I think it is worth presenting some of their material.<sup>7</sup> The figures seem to me to illustrate my point, but it is clear that they do not prove it; perhaps all that statistics can do in this field is to suggest problems for investigation in more direct ways.

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### Western Europe

*France.* In the National Assembly elected in 1946, 219 *Députés* out of 544 had been or still were elected members of local authorities.<sup>8</sup> By the time of the 1951 elections matters had settled down somewhat, party discipline had weakened, and the focus of politics had moved from left centre to right centre. Probably the representation of local government had increased: out of 627 *Députés*, 185 were at that time elected members of Departmental Councils (including 26 who were chairmen of such councils) and 157 were *Maires* of fairly important Communes.<sup>9</sup> These figures partly overlap; on the other hand, they disregard past experience, membership of Communal councils, and the smaller communes.

The second chamber (the *Conseil de la République*) is for the most part elected indirectly by members of local authorities, and the representation of local government is correspondingly high. Out of 200 members elected in France in 1946, 130 had local government experience. In 1953 among 320 members there were 138 serving Departmental Councillors (19 of them chairmen), 200 serving Communal Councillors (132 of them *Maires*). There are, of course, overlaps: but the 1953 figures relate only to present membership of local authorities.

This indicates that local representation in the first chamber is somewhat stronger than in Britain, and that in the second chamber it is very much stronger.

Its strength can be illustrated in another way. There are 90 Departmental Councils in France, and in 1953 the chairmen of 45 of them were members of one of the Houses. From the elections of June, 1951, up to November, 1953, 70 *Députés* had become Ministers; 30 of them were members of local bodies in 1951, six of them as Chairmen of Departmental Councils, ten as *Maires*.

*Italy, Belgium and the Netherlands.* These follow a similar pattern, which can be illustrated briefly.

TABLE VIII

*Experience in Local Councils of Members of the Italian Parliament in 1953*

Members	Total giving inf.	Local Government Experience		
		Regional	Provincial	Communal
Deputies ..	434	9	41	208
Senators	243	3	41	121

These figures include some overlaps.

In Belgium, the important terms are *Bourgmestres* (Mayors with large executive powers), *Echevins* (members of the "steering committee" of a local authority) and Communal Councillors.

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TABLE IX

*Participation in Local Government of Members of the Belgian Parliament in 1950*

Members	Total Membership	Bourgmestres	Echevins	Councillors
Representatives	212	45	36	130
Senators ..	175	33	17	29

These figures do not overlap, and do not reckon past experience.

The corresponding terms for Holland are Burgomaster, member of a College, and local councillors: to these should be added membership of a Provincial Council and of a Provincial Executive, bodies intermediate between local and central government.

TABLE X

*Experience in Local Government of Members of the Dutch Parliament in 1953*

House	Total Membership	Provincial Exec.	Provincial Council	Burgo-master	Member of a College	Member of a local Council
Lower House	98	3	8	8	6	18
Upper House	49	2	2	6	6	3

These figures do not overlap, but do allow for past experience.

*Sweden.* This country is difficult to bring into the reckoning, because a good deal of administration at the local level is done by *ad hoc* bodies appointed by the elected local councils not necessarily from their own number; the position is that in 1950 out of 230 members of the Lower House, at least 177 had experience in a local council or *ad hoc* committee; out of 150 members of the Upper House, at least 109 had such experience.

These figures, rough though they are, illustrate the normal pattern in the democracies of Western Europe. There is a considerable range, of which one extreme is the Belgian Lower House, composed almost entirely of serving members of local authorities, and the other is Holland, where the percentage of experience in local government is about 40. This Dutch percentage is not much higher than the British percentage: but this is an extreme case, and on the whole the integration of local and national politics is much closer than in Britain.

## Settled Dominions

It is generally believed that local government is politically weak in the settled Dominions, with the possible exception of New Zealand. Unfortunately, I have no figures for New Zealand, Australia or South Africa; such figures as are available<sup>10</sup> for Canada suggest a situation more British than European or American. It is said that of the new members elected to the Canadian House of Commons for the first time in 1945, 32 per cent.



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had experience of local government in municipalities or counties only, a further 9 per cent. (some of whom may also have had "local" experience) had been members of provincial legislatures. The proportion of members recruited "from below" in this way had been declining at previous general elections: in 1945 the percentage of all members who had local experience was presumably still above the level of 32 per cent. and 9 per cent.

## United States of America

The phrase "carpet-bagger" is American and spread at the time of the irruption of Northern candidates into the Southern States immediately after the Civil War, seeking to be returned by the new negro vote; there is an unwritten law that every member of the Federal House of Representatives must reside in his constituency, and it is generally regarded as improper to establish residence simply for political purposes. There is, therefore, no "squad" of national politicians detached from connections with local politics, as there is in Britain; this has important effects on the conduct of American government in general, and on the position of local and state government in particular. Table XI gives the figures for the 83rd Congress as it was in March, 1953; it includes some overlapping.

TABLE XI

State and Local Government in Congress

House	Total	State Governors	Members of State Legislatures	Locally Elected Officers
House of Representatives	432	1	174	297
Senate ..	96	29	39	76

Source: biographies in the *Congressional Directory*.

TABLE XII

U.S. State Legislatures: Experience in Locally Elected Bodies

State	House	Total membership (not including vacancies)	Service on some locally elected body
Wisconsin (1949) ..	Assembly ..	100	72
	Senate ..	33	23
South Carolina (1951)	House .. ..	123	12
	Senate .. ..	45	1
West Virginia (1951)	House .. ..	94	13
	Senate .. ..	32	6
Nebraska (1951) ..	Single Chamber	45	15

Sources: Wisconsin figures from a survey made by the State Legislative Service of Wisconsin. The other figures from biographies in the State Reference Handbooks.

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Congress has no direct responsibility for local government (except in so far as it refuses to concede it to the District of Columbia), and one ought, therefore, to follow the question into the State legislatures. But this raises great difficulties of comparability, as well as of the extent of the material: the figures in Table XII illustrate the position in four very different States.

This shows a range from over 70 per cent. in Wisconsin to 8 per cent. in South Carolina. The variation may be partly due to variations in information given by members in their official biographies, some of which are extremely sketchy; but there is no doubt that conditions vary greatly and there is no basis for any generalisation below the Federal level.

### *Eastern Europe*

It would be interesting to follow this into Eastern Europe, if it were possible. The question of the integration of local and central authorities arises even in a dictatorship, and the original Soviet formula was that of "election up" through a pyramid of local authorities, so that all members of the Supreme Soviet were associated with some local Soviet. The 1936 Constitution replaced this system by one of direct election; no complete statistics are available, but what information there is suggests that the practice bears traces of the old system and that it is quite common for members of the Supreme Soviet to be also members of a local Soviet.

This is certainly the position in Yugoslavia, which has deviated from Stalinism without any fundamental change in constitutional structure. There are fairly reliable figures for the position in the Assembly of the Federal Republic of Croatia in 1953: out of 250 members, 97 were then members, and another 86 had previously been members, of local elected bodies. I have no figures for the central parliament of the Federation: the figures for the other Federal Republics are unsatisfactory because they include under this heading only members not otherwise classified. The total figures must, therefore, considerably exceed those shown in Table XIII.

TABLE XIII

*Members of Federal Assemblies in Yugoslavia in 1953 classified  
as Members of Local Authorities*

Assembly	Total Membership	Membership of Local Authorities
Serbia .. ..	338	134
Slovenia .. ..	283	47
Bosnia-Herzegovina ..	270	123
Macedonia .. ..	245	81
Montenegro .. ..	160	62

### CONCLUSION

This reference to Eastern Europe may serve to illustrate again my main point. In different countries there are varying degrees of integration between local government and central government on two different scales, a legal

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scale and a political scale. The legal situation may not correspond closely to the political situation, and the latter may be difficult to assess, because close and loose integration may both work in two ways. Close integration may mean that the localities move the centre or that the centre moves the localities: a looser relationship may mean that the local authorities are free—or simply that they are disregarded. The matter is one of political structure, and is too delicate to be measured by the very crude statistics available. Perhaps the statistics do something to confirm what one would expect on other grounds, that there are four main patterns of relationship: that of Britain and the settled Dominions, in which local government has much freedom in law, but is apt to be disregarded in practice; that of the democracies of Western Europe, in which local authorities are more limited in law, but have greater political influence (this is obviously related to differences in cabinet systems and party systems, as well as in the tradition of administrative law); that of the U.S.A., where peculiar conditions are created by great diversity of local forms and by the separation of powers, which enables Congress to remain obstinately local without doing serious damage to the national interest; and that of Eastern Europe, where Party overrides State, and the important matters are those decided in the inner councils of the Party.

<sup>1</sup> PUBLIC ADMINISTRATION, Winter, 1951, p. 355.

<sup>2</sup> PUBLIC ADMINISTRATION, Spring, 1953, p. 46.

<sup>3</sup> These given here are taken from the Labour Party Annual Conference Report for 1951; it is known that they are in some respects inaccurate.

<sup>4</sup> Co-operative M.P.s conform more closely to the ordinary Labour pattern; out of 17 elected in 1951, 7 had local government experience.

<sup>5</sup> 96 out of 223 M.P.s, 168 out of 461 candidates.

<sup>6</sup> Compare, for instance, the work of Professor Neale, Mr. Pennington and Mr. Brunt, Professor Namier and Professor Gash.

<sup>7</sup> My thanks are due to Mr. P. W. Campbell (France), Dr. Brian Chapman (Italy), Mr. John Grundy (Holland and Belgium), Mr. N. C. M. Elder (Sweden), Mr. J. W. Grove and Mr. A. M. Potter (U.S.A.), Mr. D. J. R. Scott (Yugoslavia); some of these gentlemen obtained private information from officials, to whom we are much indebted. Published sources have been specified where used.

<sup>8</sup> *Le Monde*, "Elections et Referendums," Vol. I.

<sup>9</sup> *Notices et Portraits* of the National Assembly.

<sup>10</sup> N. Ward, *The Canadian House of Commons: Representation* (University of Toronto Press, 1950), p. 122.

# AUTONOMY AND DELEGATION IN COUNTY GOVERNMENT

EMMELINE W. COHEN

*Foreword by Professor WILLIAM A. ROBSON*

Published by the Royal Institute of Public Administration.

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One of the most noteworthy developments of English local government in recent years is the administrative machinery established under the Education Act, 1944, and the National Health Service Act, 1946. New *ad hoc* bodies, often covering the area of several existing local authorities, have been set up and have received delegated powers from the county councils, which are now ultimately responsible for these services. These new bodies were designed to ensure that local interest and participation could still play their part in the administration and development of services transferred from the district councils to county councils.

Although students of local government have for some time recognised the importance of these developments, very little factual information was available concerning the actual working of this form of delegation and the practical problems to which it gives rise. Miss Cohen's book is based on a field survey of the functioning in many parts of the country of delegation under the Education Act, 1944, and the National Health Service Act, 1946. It shows clearly the difficulties to which the new administrative devices give rise and how these problems are being overcome in those areas where goodwill and a spirit of co-operation exist between the county council and the body to which it has delegated certain of its powers.

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## Public Interest in Local Government

By JEAN BONNOR

*Mrs. Bonnor, Staff Tutor in Social Science, University of Liverpool, has carried out an enquiry into the extent to which the citizen is knowledgeable about his local Council and is interested in what it does.*

IN place of the assumption that people are apathetic about local government, there is a present tendency to study in more detail the factors influencing low percentage polls in local elections, on which this assumption is based. Statistical information about local elections over the whole country, available since the war, is shown by Maud and Finer<sup>1</sup> to contain points of great interest, such as regional differences in the polls—the South-East has the lowest, and the North and North-West the highest, polls in the country—the influence of the stability of the population on the size of the poll, and so on. Studies within regions are also of importance; for example, the work of Brennan, Cooney and Pollins in South Wales<sup>2</sup> has shown the influence, both on the level of public interest in local government and on the voting figures, of the dominance of one party over a number of years, “the growth of habitual behaviour at elections, and the loss of direct influence over the type of candidate who now stands for election.” Besides these methods, however, Professor Mackenzie<sup>3</sup> has pointed to the need for sample surveys to give a fuller picture of voting behaviour.

A class of adult students in Crewe recently carried out a sample survey of a new housing estate on the outskirts of the town,<sup>4</sup> which has yielded information of interest in this connection. Although primarily concerned in finding out whether there was a need among the residents of the estate for a community centre, the students decided, as a result of their own interest in local government, to make a small study of that subject also. They included in the questions they put to the residents of the estate several intended to elicit the residents' impressions and opinions of their Borough Council and its work.

First, various kinds of contact between the people and the Council were studied. Half of the people interviewed (60 out of 122) could remember having been visited by a local authority worker other than rent collectors and maintenance workers—e.g., health visitors, building inspectors, etc. (County council visitors were included in this question to avoid having to differentiate between town and county council services; all visits were relevant.) Just over three-quarters of the residents interviewed had visited the municipal buildings in Crewe at least once. Only seven had been in personal touch with their own Councillors, but 65 said they knew at least one member of the Council to speak to. Whether this was strictly true or not, it is an interesting point that in the case of 45 per cent. of the times a Councillor's name was mentioned, it was that of a Councillor who was not a representative of the ward which was being studied. This probably reflects the newness of the estate.

The people were then asked for opinions and comments on the work of the Council, under three main headings: first, in their capacity as landlord; secondly, on the work of the Council in the estate; and thirdly, on the work in the town. One hundred and seven out of 122 approved of the

Council as landlord, several volunteering examples of attention and efficiency, whilst others who approved were nevertheless critical of some alleged shortcomings. Asked whether they thought there was anything which the Council should do and was not doing at the moment, in the immediate district and in the town generally, nearly half the people had definite suggestions to offer. These included ideas about the houses—e.g., flooring, fireplaces, fencing round the gardens, help with gardens for old or incapacitated tenants; and about the streets—e.g., that more paths should be laid across the grass verges between the pavements and the roads. For the estate generally it was suggested that there was a need for a children's playground and a sports field for adults; and that a route much used, particularly by children, along the edge of a school playing field, should be made into a concrete path. Ideas for improvements in the town were, amongst others, that "something should be done about" a piece of spare ground near the Town Hall—one suggestion was the building of a concert-and-lecture hall; that the traffic congestion in the town centre might be dealt with in various ways which were specified; that the slum clearance programme should be speeded up; that the lighting in various streets should be improved, and so on. The Council's plan for future development and improvements was mentioned by one or two people, who thought it covered all the problems.

General comments on the Council were asked for finally, though many had been volunteered earlier in the interviews. "It's a very good Council. I'm well satisfied," was typical of several expressions of unqualified approval. One or two people compared Crewe Council—to its advantage—with those of other towns in which they had lived. Other comments were: "I'm in favour of younger Councillors, long-service Councillors become complacent and accept security of office as a right"; "There should be an age-limit of 70 for Aldermen"; "Councillors are lacking in initiative, they rely too much on heads of departments" (this implies inside knowledge—it was the opinion of a local government officer); "The good points of the Council outweigh the bad ones"; and there were many more.

When each interview was over, the interviewer made a private note of the amount of interest in the subject which his informant had shown, and tried to assess the ease with which he had dealt with the questions, and the knowledge he had brought to bear on them. This was all discussed among the interviewers later, and they came to the conclusion that the level of interest had generally been high. Very few indeed of the informants had been quite unable to discuss the Council; a majority were quite at ease, had decided opinions, and were able to talk of Council matters with interest and a little knowledge. There was also a surprisingly substantial minority whose knowledge and interest were considerable.

This would not have been inferred from the voting figures; in the previous local election, the poll in this ward, which includes a few streets not in the estate, was 40 per cent. It may be that many people themselves felt that there was an inconsistency between the amount of interest in local government activity which they had shown, and their own failure to vote, for when they were asked, in the course of the interviews, whether they had voted in the previous local election (the word "local" being stressed to avoid confusion with the parliamentary election two years earlier), 79 per cent.



said "Yes." (Alternatively the explanation of this might be more simple—a desire to impress the interviewer, or that people think they ought to vote, and prefer to say they have voted rather than admit that they have not.)<sup>5</sup>

It seemed in this case, then, that the voting percentage was not a direct indication of the amount of interest which existed in local government affairs. This interest was shown mainly in discussions of individual problems and complaints, and suggestions for the improvement of facilities—as might be expected. Thus, the representative function of local government through elected Councillors is seen as secondary, in everyday significance and interest, to the relationship between the people and the local government officers who deal with their problems and administer the services. It will be remembered that whereas only seven of the people interviewed had been in personal touch with their Councillors, 60 had been visited by "council visitors," and 95 had visited the municipal buildings. Further, those who had never been in touch with their Councillors were asked: "Would you know how to get in touch with him if you needed to?" ; of the 92 who replied "Yes" to that, 73 said they would do it by going or writing to the municipal buildings. This demonstrates that the municipal buildings were far more part of the familiar world of the people interviewed than were the Councillors, and suggests that a more fruitful approach to the question of electoral apathy might lie in developing this contact which already exists, rather than in giving attention to the vote itself before people have really understood its relevance to their day-to-day problems. In Crewe, at any rate, this relationship between the citizen and the local government officer appeared to be a healthy one, functioning to the satisfaction of a large majority of the people interviewed.<sup>6</sup>

Other local authorities may not be so fortunate, in which case the way ahead suggested by the Committee on Publicity for Local Government<sup>7</sup> might usefully be considered: "The public relations spirit ought to permeate the whole organisation, members as well as staff . . . and much more effort should be made to educate officials of all grades in the right way of dealing with the public." It is true that much less has been done by local authorities in this way than has been thought necessary by other bodies dealing with the public. Mr. Norman H. Rogers, Assistant Public Relations Officer of N.A.L.G.O., remarked after a study of the practice of a cross-section of industry, commerce and the Civil Service, that "...almost every concern I wrote to possessed one scheme or another of staff training on the subject of public contact through correspondence, telephone and interviewing. Its absence in municipal administration is significant, especially when viewed alongside the extensive training programmes carried out in the civil service. I would say that local government is about twenty years behind the times in this aspect of administration."<sup>8</sup>

If this contact between officers and people is developed to the fullest advantage by local authorities, the next step towards overcoming the problem of electoral apathy becomes much easier. The educational process of convincing the citizen that in using his vote he is helping to perpetuate a policy of which he approves, or to change one of which he disapproves, is reduced to encouraging an activity (voting) which can be shown to be closely related to behaviour already well established (discussing, with local

government officers, problems and complaints arising out of the policy). This is a much less formidable task than that of trying to establish an apparently "new" activity (in the local government field) which seems unrelated to present needs and habits. In this educational process, the adult education movement can obviously be of great value, not only because local government officers constitute an important group of its patrons, or even because local government affairs are frequently discussed in classes, under various headings, but because it provides a means, as in the case of this study, whereby local government problems can be treated as live issues to be studied by the people themselves in their own community.

<sup>1</sup>*Local Government in England and Wales*, Sir John Maud and S. E. Finer, Home University Library, 1953.

<sup>2</sup>"Party Politics and Local Government in Wales," *Political Quarterly*, January-March, 1954.

<sup>3</sup>"The Conventions of Local Government," Professor W. J. M. Mackenzie, *PUBLIC ADMINISTRATION*, Winter, 1951, p. 348.

<sup>4</sup>Undertaken in the course of a study of "The Social Survey," a University Extension Course held by the Department of Extra-Mural Studies, University of Liverpool. The members over 18 years of age, of one in ten of the households in the estate, were interviewed—a total of 122 people: 65 men and 57 women. The sample included 60 wage-earning husbands, 55 wives, two men pensioners, one widow, three sons (two under 20) and one daughter. Seven of the wives had paid occupations outside the home. Ninety per cent. of the sample were between the ages of 20 and 50. Most of the men were manual workers, about half of them skilled and a quarter semi-skilled: there were two clerks and one school-teacher. Fifty-one per cent. of the people were natives of Crewe.

<sup>5</sup>In the report of a survey of non-voting in a local election in 1949, J. Grundy commented that "Most non-voters felt a degree of guilt about their abstention." "Non-Voting in an Urban District," J. Grundy, *The Manchester School*, Vol. XVIII, 1950.

<sup>6</sup>The residents of the estate considered the manner of their Council visitors as "Very pleasant" in 60 per cent. of cases, "Pleasant" in 25 per cent. and "Impersonal" in 8 per cent. Their reception at the Municipal Buildings appeared to have been efficient: 88 per cent. said they had been attended to "quickly" (i.e., in less than five minutes), and only two waited as long as half-an-hour. Eighty-four per cent. said they had obtained satisfaction from their visits; 12 per cent. said they were not satisfied.

<sup>7</sup>Set up under the chairmanship of the Parliamentary Secretary to the Minister of Health, in 1946. Interim Report, November, 1947.

<sup>8</sup>Paper read to a meeting of the Local Government Group of the Institute of Public Relations: "Creating a Public Relations attitude of mind among Local Government Staff," 1952.

## Council and Committee Meetings in County Boroughs

ABOUT a year ago concern was expressed by Labour members of the Oxford City Council that the difficulty of finding suitable candidates was increased because meetings of the full Council and of all its Committees were held during normal working hours. The Council meets fortnightly at 10.30 a.m. and the Committees meet mornings and afternoons. The question was referred to the Selection Committee of the Council who asked the Town Clerk to ascertain the practice in other County Boroughs. Through the courtesy of Mr. Harry Plowman, C.B.E., Town Clerk of Oxford, and of the Town Clerks who supplied information, the following analysis can be presented to readers of this journal. The information was supplied in May or June, 1953, and therefore changes may have taken place in the practice of particular County Boroughs since that date.

There are 83 County Boroughs and information was provided by the Town Clerks of 76 (including Oxford).

### *Council Meetings*

#### *Frequency*

Oxford was the only County Borough whose Council normally met more frequently than once a month. In others the normal practice is to meet monthly but nearly a third had a holiday recess in August. Three Councils also did not meet in July. On the other hand, several Councils had an extra meeting, for example, Manchester had an extra meeting in February to deal with the Annual Estimates and Liverpool and Salford had extra meetings in April and May respectively and in July to offset the absence of meetings in June and August. As a general rule County Borough Councils meet 12 times a year, a minority meet 11 times and Oxford meets on 20 occasions.

#### *Duration*

The normal average duration of Council meetings seems to be about 2-2½ hours—nearly half the replies fell within this range. If the range is widened to 1½-3 hours' duration, 52 of the 76 would be covered. At the extremes Merthyr Tydfil, Rotherham, Wakefield, West Ham and Wigan appear to have been able to complete their business in less than one hour on the average occasion, whereas Gloucester took 6 hours or more and Brighton, Hastings and Southend averaged about 5 hours. (The last four cases, however, presumably included time for some form of refreshment.) Clearly, size is not the main reason for these big differences. True, Birmingham City Council meetings usually lasted 4-6 hours, Liverpool 3-4 hours and Manchester about 4 hours, and it is noticeable that a number of the big towns, e.g., Bradford and Sheffield, fell into the average three-hour group. But Gloucester and Hastings have smaller populations than West Ham and Wigan and here the difference must be in the attitude of the majority of the Councillors to the scope and method of Council work. One suspects that in strongly organised Labour-controlled Councils discussion in Council is regarded as rather a waste of time, the party line having been decided beforehand.

## PUBLIC ADMINISTRATION

### *Time of Meeting*

The 76 replies fell into three categories :

Morning	7
Afternoon	25
Evening	
(5 p.m. and later)	44
	—
	76
	—

Several Councils held their Annual Meeting—i.e., the first after the elections in May and the one at which the Mayor for the ensuing year is elected—in the morning even though normally they met later in the day.

The most popular times were 6 p.m. and 6.30 p.m. (14 Councils each) and then 2.30 p.m. (11 Councils) and 7 p.m. (10 Councils). These times thus accounted for 49 of the 76 replies. Five Councils each met at 10.30 a.m., 2 p.m. and 3 p.m. As was perhaps to be expected, Bournemouth, Brighton, Eastbourne, Hastings and Southend-on-Sea met in the afternoon whereas Wakefield, West Ham, West Hartlepool and Wigan met at 7 p.m. Meetings fixed for late in the evening must assume a Council of comparatively short duration.

It is noticeable that the large towns met in either the morning or the afternoon. Of the 14 towns with a population of 200,000 or more which sent replies, only three met in the evenings: Leicester at 5 p.m., Croydon at 6.30 p.m. and Coventry at 7 p.m. Five met at 2 p.m., four at 2.30 p.m., one at 3 p.m., and only Manchester, of the large towns, met in the morning (at 10.30 a.m.).

### *Committee Meetings*

#### *Duration and Frequency of Meetings*

It is not possible to summarise in worth-while form the information about the average length of Committee meetings. The vast majority of the replies were covered by an average of one to two hours. But some of them said that certain Committees (Housing, Town Planning, and Finance were particularly mentioned) lasted longer—five hours being mentioned in one exceptional reply. On the other hand, where the replies were detailed they showed that some of the less important Committees (but including the Watch Committee) required only about 30 minutes or even less to complete their normal business. In any case these averages conceal the exceptionally long or short meetings which must occur from time to time. In most towns the main Committees met monthly but in a few cases certain Committees met twice a month.

### *Time of Meeting*

The replies show that very few Councils managed to hold all or the majority of their Committee meetings in the evening. Some did, for example in Croydon the earliest Committee met at 5.30 p.m. and the latest at 7.30 p.m. and the earliest Sub-Committees met at 6 p.m. and the latest at 7.15 p.m. The great bulk of Committee and Sub-Committee work is done in the afternoon even in Councils that hold their monthly meeting in the evening. In

## COUNCIL AND COMMITTEE MEETINGS IN COUNTY BOROUGHs

these cases, however, late afternoon, 4 p.m., 4.30 p.m. or 5 p.m., seems to be a popular compromise.

### *Other Matters*

#### *Staffing Problem*

The questionnaire covered a number of points, there being 15 main questions altogether. Only two further matters, however, will be dealt with here.

The number of meetings held outside normal office hours raises the question of how this affects the staff. It is usual for the Town Clerk and his Deputy and also certain other Chief Officials, e.g., the Treasurer, to attend all meetings of the Council. Meetings of all Committees and Sub-Committees (except, in most towns, the Education Committee and its Sub-Committees) are attended by a member of the Town Clerk's staff and usually the Chief Official concerned and, in the case of the more important Committees, by the Town Clerk or his Deputy. Committee attendance, involving as it does working closely with the elected representative, is thus an important feature in the lives of these local government officers. In addition, of course, they have their usual office duties to perform.

In a number of towns attendance at Council or Committee meetings after normal office hours is regarded as part of the normal duties of the officer concerned and, therefore, he receives no special compensation for it. In the majority of towns, however, compensation is provided by time off in lieu of this attendance, sometimes by way of free Saturday mornings. Senior staff are not eligible for overtime payment but staff who are eligible under the Scheme of Conditions of Service may either be paid accordingly or be given compensatory leave in lieu. In some towns in which the Council normally meets in the evening the Chief Officials attending receive a tea allowance of 2s. 6d. and a number of towns paid Charter rates of subsistence instead of overtime rates to officials in the overtime category.

#### *Accommodation for the Public*

One question asked was about the extent of the accommodation provided for the public at Council meetings and how much it was used. The answers revealed some striking differences in public attendance in the various towns. Thus, Barrow Council (population 65,000) had accommodation for 70 in the gallery and 70 chairs were provided on the floor of the Chamber and all were extensively used. On the other hand, Birkenhead Council (population 142,000) had a Standing Order limiting attendance to 48 ratepayers at any one time and, in practice, not many attended.

The great majority of towns have accommodation for 50 to 100 members of the public. (Derby has some 400 seats available but one town provides only about a dozen seats.)

Most of the replies said that a good proportion of the accommodation was taken up at each meeting. Some, however, said that few members of the public attended. Several distinguished between individual members of the public and groups of school-children or other organised parties. It is possible that the second category accounts for a good part of the attendance in most towns.

D. N. C.

# INTRODUCTION TO FRENCH LOCAL GOVERNMENT

By BRIAN CHAPMAN

Pp. 238. Price 18s. (13/6 to members of the Royal Institute of Public Administration ordering direct from the Institute).

THIS book is the first post-war study in either French or English of the institutions and law relating to French local government, and on the current practice of French local administration. It is essentially a study in political science, and not in law, and therefore, although the basic laws governing local institutions are dealt with in some detail, the aim is to give a living picture of those institutions at work.

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The book assumes no previous knowledge of the subject. It should be of the greatest interest to all those who have a professional or educational interest in local government. By comparison it illuminates our own attempts to solve the contemporary problem of combining central efficiency with local democracy. The book will be of obvious interest to all students of French government and of comparative public institutions.

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## ***Local Self-Government as a Basis for Democracy: A Further Comment***

By DR. LEO MOULIN

*DR. MOULIN is a member of the Belgian Civil Service and Rapporteur Général of the U.N.E.S.C.O. Experts Commission for the study of terminological problems in the social sciences.*

Having taken part in the Congress of the International Political Science Association (The Hague, 6th-12th September, 1952) in the discussion of "Local Government as a Basis for Democracy," I am rather tempted to intervene in the recent<sup>1</sup> controversy between Professor Langrod and Mr. Keith Panter-Brick.

What is the point at issue?

Professor Langrod's position, it appears to me, can be summarised in two statements:

- (i) Local government is not necessarily an integral part "of a democratic system of government" and there may even be an intrinsic contradiction between the one and the other.
- (ii) The exercise of local government is not necessarily "the best apprenticeship for the practice of democracy at the state level" (in the words of the working document prepared at the time by Professor Bridel, of Lausanne).

The appositeness of these statements obviously depends on our idea of democracy. If, for instance, we understand by democracy a system under which free, secret and regular elections are held periodically, then the practice at the local level of universal suffrage, of election by majority vote, and of successive ballots may seem to be first-rate training for the exercise of democratic power at the state level; and Professor Langrod is then wrong. If, on the other hand, we define democracy as, in essence, an egalitarian, majoritarian and unitary system, there can be no doubt that such a form of government must inevitably tend to rob local government activities of all real autonomy; and in this case Professor Langrod is right.

I will now attempt to state my point of view, summarising my remarks at the Hague meeting.

It seems to me that democracy cannot be defined solely in terms of the external characteristics (ballots, elections, etc.) which we have just mentioned, or even in terms of administration by elected representatives. These conditions are no doubt necessary, but they are not sufficient. For me (as for Professor Langrod) democracy implies, above all, the active presence of a kind of "ethics," of a certain "public spirit" which in particular involves (I am quoting in random order) respect for human rights and for the rights of minorities, fair play, decent methods, tolerance, observing the rules of the game, a sense of humour (or of relative values in Latin countries), and unselfishness.

<sup>1</sup> PUBLIC ADMINISTRATION, Spring and Winter, 1953.

It follows that a government may very well practise the techniques of election and deliberation of which I have just spoken, without being "democratic" in the true sense of the word (there is no lack of examples); and conversely a government may refrain from holding frequent and systematic elections (this is true of the institutional organisation of religious orders, of which I have made a special study during recent years), without departing in the least from the respect which it owes to its conscience and to the rights of its citizens.

My second statement, also based on "an objective study of the facts," on "innumerable observations constituting a very detailed analysis of phenomena" (as was requested by Professor Bridel), is: far from being the best training for the exercise of democracy at the state level, the realities of local political life are so little in conformity with the spirit and ethics of a democracy as defined above, that they usually tend to distort and debase the processes of democracy, first at the municipal level and then at the national level. This was the subject of my remarks at The Hague.

I pointed out (and the facts which I gave in support of my contention were not refuted or even questioned):

(a) That the drawing up of electoral lists, the post-election alliances aimed at producing a majority, the appointment of the burgomaster (in theory by the central government, in fact by pressure groups and local bosses), the politically inspired appointments and promotions of local government officials, all these practices are the occasion for, and the result of, bargaining and collusion which are so contrary to the most elementary democratic ethics, so foreign to the least austere public spirit, that the citizen is bound to be—and is—confirmed in his most amoral political ideas and in particular in the practice and the exploitation of parochialism pure and simple, without regard for the claims of the wider community.

(b) That in any event the extent to which the citizens of a municipality take part either in ordinary meetings of political parties, in the preparation of electoral lists, in election meetings or even in the elections themselves, was (partly for reasons mentioned in (a) above) so limited in volume and intensity in relation to the size of the electorate, that the few sporadic actions of this handful of men (who, moreover, are "clients" in the Roman sense of the word rather than citizens in its full meaning) could hardly be considered to be in any way a training in meeting the demands of a democratic government at the national level.

On the other hand it frequently occurs that the carrying out, by local authorities who are very jealous of their autonomy, of measures for the public benefit leaves something to be desired as a result of the very strong pressure which the voters bring to bear on their representatives. Thus it has been reported that in a large number of municipalities, especially in rural areas, slum clearance and the prevention of contagious diseases (foot-and-mouth disease for example) were not tackled, the general rules concerning hygiene and public health were not observed, school medical inspection was not organised, all as a result of the councillors' fear of displeasing the inhabitants of the municipality who were their electors, "clients," relatives or friends.

In fact, the exercise of local government is essentially a training in the defence of interests which are strictly and narrowly local and almost individual ; the higher interests of the nation—that community spirit which is also one of the features of democratic ethics—are usually overlooked or, if necessary, sacrificed. That was the case in Greece in the fifth and fourth centuries, and in Italy and the Netherlands in the fifteenth century, when an over-intense local life finally came into conflict with the evolution and application of a broad overall policy and led to anarchy, the mother of dictatorship. It may be said that the position has hardly changed : the (Socialist) mayors in a region of France threaten to go on strike in order to defend the interests of their wine-growing constituents, in a country where all the leading authorities are agreed about the menace to the health of the nation, caused by the excessive consumption of wine.

In Belgium the burgomasters of the large towns persist, in opposition to the unanimous opinion of the university<sup>1</sup> and political authorities, in maintaining forms of municipal autonomy which are completely obsolete—and have for long been obsolete—and which are mostly harmful to the body of the nation.

Pursuing the same line of thought, but at a more academic level, I also feel—and this is the proposition that I have tried to strengthen by concrete facts and examples from actual experience—that the assumption that practice in running municipal affairs may provide, to a certain extent, adequate training in running affairs of state, implies that no difference of kind exists between these two types of management. It seems to me, on the other hand, that fundamental differences exist between nation-wide decisions made at the state level and the local decisions reached at the municipal level. This disparity is due to differences of scale and of density of population, to the varying nature of the interests involved and to a thousand and one other reasons with which we are familiar.

It is indeed obvious that the State is faced with problems—foreign policy and national defence, industrial development and reconstruction, population policy, economic and social policy—of which the municipal administrator has no notion and which he can only approach—when he does so—in a parochial frame of mind and without proper training.

A local administrator, no matter how energetic he may be, has not necessarily the makings of a great statesman ; and many of our ablest ministers have not won their spurs as N.C.O.s in the municipal army. That is very understandable. Moreover, a man may be a first-rate bricklayer, or even an astute contractor, without becoming a Le Corbusier (and also *vice versa*).

Thus I come to the second proposition put forward by Professor Langrod, namely that local government is not necessarily an integral part “of a democratic system of government,” and that there may well be an internal contradiction between the exercise of the one and of the other.

Quite obviously a statement of this kind is based on a well-defined conception of democracy. For Professor Langrod, democracy can only be an “egalitarian, majoritarian and unitarian system” which tends, by its very

<sup>1</sup>See, among many other articles, J. Lespes, “Vue d'ensemble sur la vie communale belge depuis 1919.” *Revue de l'Université de Bruxelles*, Oct.-Nov. 1935, p. 58-87.

nature, to curtail local autonomy and to eliminate intermediary authorities. To this Mr. K. Panter-Brick replies that this is a particular conception of democracy which is influenced by Rousseau's ideas (and by a particular interpretation of those ideas); that democracy and centralisation are not two concepts which are inescapably bound up, and that, on the contrary, the concepts of local self-government and of democracy are in practice linked.

I am afraid that on this point I must express my agreement with the propositions put forward by Professor Langrod.

To begin with, I do not believe that the combination "local government-democracy" has been anything more than a coincidence (or even a semblance) in the course of the history of the West. Municipal government has never been democratic in the modern meaning of the word. It ensured the safety of the person and provided certain forms of mutual assistance and of protection against misuse of power; it saw to the protection of the citizens and to the defence of their privileges, but it cared little about "Freedom" and the "Rights of Man" in the abstract and rationalistic sense in which these words are used on the Continent. The methods of election and discussion were very primitive, down-to-earth and utilitarian, and were, in all probability, of ecclesiastical origin.

I cannot find any direct and close link between the municipal "democracies," which were almost all extinct or moribund by the 17th century or even earlier, and American, British and French democracy of the following centuries.

As for Professor Langrod's view of present-day democracies, it seems to me to correspond very closely to the facts of the situation, at least on the Continent. In a gregarious mass civilisation which is unfavourable, if not hostile, to all forms of individual life, in a system of ever-increasing state intervention in all aspects of economic and social life, in a world in which the emphasis is on the need for equality and justice at any price rather than on the need for safeguarding the minimum of freedom, "local self-government" has little hope of surviving. It is not too much to assert that the powers of local authorities, to the extent that they are not already more or less unreal, appear today as residues which the central government tends, under pressure of circumstances, to curtail still further.

Developments during the last 30 years prove that we are fully justified in not confusing "liberalism" with the "democratic state"—and not only when we are speaking of the "popular democracies." Mr. Panter-Brick appears to have fallen into this error and, for my part, I can understand this.

Moreover, unlike Mr. Panter-Brick, I do not believe that the absence of true "self-government" is necessarily a sign of a general system of government which is typically "undemocratic." At the very most we may see in this absence a technique of government which is inescapable and often, perhaps, salutary.

It is obvious, for example, that the fact that in Holland the burgomaster is appointed by the Minister of the Interior in no way lessens the very lively democratic spirit of the Dutch community although, technically speaking, this procedure may appear to be less democratic than the choice of the burgomaster in Belgium by the councillors and all kinds of pressure groups.

In fact, the extent and the intensity of centralisation varies greatly in

the West from one democracy to another, without the spirit of democracy suffering seriously in the process—or, if it does suffer, that happens for quite different reasons that are bound up with the crisis from which the whole system is suffering.

In conclusion I should like to say that, in spite of my somewhat severe criticisms (expressed very briefly, for much more could be said) of local political life as it actually is, and although I personally have little faith in the exercise of local government as a form of training for democracy at the state level, nevertheless I should not wish to be considered an opponent of the various systems of local self-government.

On the contrary, my considered distrust of the centralising state and its bureaucracy leads me to defend (though with few illusions) any institutions (municipalities, provinces, public corporations, etc.) which provide an escape from its formidable pressure or which make possible the revival of these "intermediate bodies" which form the most reliable guarantee of the freedom of the individual.

On the other hand, no matter how slender are—or appear to me to be—the chances of providing an education in citizenship for the electors through the practice of local government, they do exist, and we cannot therefore neglect them.

But if the municipalities are to play their proper part in the creation and preservation of the ethics and atmosphere of democracy, certain conditions must be fulfilled.

1. First of all, it is imperative that a stop should be put to those features of municipal life and of local self-government which reduce and very often debase the understanding of democracy among all citizens, both electors and representatives.

2. Furthermore, it is essential that everyone—from the ordinary citizen to the burgomaster, from the local party members to their national leaders—should grasp the essentials of democracy, first at the national level and then at the local level.

3. Finally, both office-holders and political scientists must recognise clearly the differences (and often the incompatibility) between the management methods of the central government and those of local authorities. In particular they cannot disregard the fact that a modern state, however democratic it may be, is something of a Leviathan, and that even the most vigorous system of municipal autonomy is to some extent weak and outmoded.

Let us remember that a desire for clarity is one of the implicit postulates of any democratic system of government. This is both its justification and the most effective cure for its shortcomings.

## Local Self-Government as a Basis for Democracy: A Rejoinder

By KEITH PANTER-BRICK

*In this article Mr. Panter-Brick replies to certain criticisms of local government made by Professor Langrod and Dr. Moulin in articles appearing on page 25 of the Spring, 1953, issue of this Journal, and on page 433 of this issue.*

THERE are a number of points on which Professor Langrod, Dr. Moulin and myself are in agreement. In the first place, a citizen needs to consider the demands and legitimate claims of others, and a local authority needs to consider those of the wider community and not just those of its own area. Local interests have their place, but must not be exaggerated. Secondly, even where there is no system of local self-government it is possible for individuals to acquire and practise democratic habits. These have been listed by Dr. Moulin, but I shall refer to them collectively as the willingness and ability to distinguish the just and unjust claims of others. In this sense local self-government is not essential to democracy.

It has, however, been contended by both Professor Langrod and Dr. Moulin not merely that local self-government is not essential to democracy, but that on the contrary it is in practice inimical to a proper appreciation of the needs and claims of the wider community. It is this contention that I would still challenge. It is their view that, where there are local authorities concerning themselves with local interests, then the claims of the wider community will inevitably suffer a local distortion or simply be obscured. Local politics is a milieu in which the clear over-all vision of the central authority is refracted, bent to suit special and purely local interests. To twist a well-known comment on French political life, the local communities are stagnant pools in which the pure stream of the general will—which is always right, so it is said—has to meander and lose itself.

This reading of the facts exaggerates some and ignores others. That local politics may be parochial in outlook no one would deny. But that participation in local politics is likely to detract from a true appreciation of over-riding claims—this is another matter. It is not intended to repeat my previous arguments; I would only add the following comment.

I do not agree with Dr. Moulin that, because of the difference in scale, experience in local affairs has little or no relevance to the affairs of the nation. True, not many local mayors are capable of being great statesmen: but they are both politicians. As such, they both have to learn the art of winning consent if they are to remain democratic in their ways, the statesman as much as the mayor. Otherwise they lose office. Now to win consent it is not necessary to give way to every demand: it is sufficient to distinguish rightful claims from unjust demands and to persuade others, even those whose demands will not be satisfied, that one's cause or policy is a just one. This may seem to some an old-fashioned view of politics, but it remains for all that a correct one. In other words, there are two things required of a democrat, and this applies not only to the politician, but also to the ordinary



citizen. First, he should take all demands into consideration. This is the requirement stressed by Professor Langrod and Dr. Moulin: and it is because local affairs are by definition local that they doubt the utility of local self-government as a school for democracy. But this is to overlook the second requirement, the need to select from all the conflicting demands those which are to be given priority. This need is experienced just as much on the local level as it is on the national level—or, for that matter, on the international level. Within any locality, however small, there are always conflicting demands to be satisfied, and are these not settled on the same basis as at any other level? Or is it suggested that while decisions at the national level, the level of the mystical general will, are invariably decided on a basis of what is held to be right and just, local issues are settled in terms of what is personally convenient? If not, then can it be denied that participation in local politics, while it might at times detract from the wider issues, nevertheless adds to the sum of experience by which an individual forms his own judgment of what is just and is made aware of what others consider just? True, the task becomes more difficult the wider the political community. There is not the intimate bond of personal contact and personal sympathy, as Hume stressed long ago. But is that a reason for mistrusting the interests and loyalties set up within the smaller and more intimate community? Those who are active in local affairs are normally not so parochial that they cannot respond to the just claims of others *when these are pointed out to them*. Indeed, just as I have contended in my earlier rejoinder that an experience of administration on the local level can teach man some of the limitations of political action, so I would also contend that participation in the affairs of the local community will help man to know better what constitutes justice and will make it easier, not more difficult, for him to give a more sympathetic and understanding hearing to the over-riding claims of the wider community.

But, it might be said, is this not to argue somewhat theoretically? It is to the facts that Professor Langrod and Dr. Moulin have appealed, and have they not given examples of how local politics muddies the waters when the interests of the wider community are at stake? In reply, I would say that they have drawn the wrong conclusions, or misinterpreted the situation.

First, let it be admitted that there are cases where local interests have been given preference. It is possible, however, that they have only been given preference where over-riding claims have not been voiced with all the authority and persuasion that those who minister to the needs of the wider community ought to command. It is perhaps no accident that doubts on the value of local self-government are being voiced by those whose more immediate experience is somewhat different from that which students of politics have gained, for instance, in this country, where powerful political parties at Westminster have been ready to put their policies into effect, if necessary against local opposition. Where majorities have to be scraped together and, might I add, where there is a system of *préfets* to provide a direct administrative link between the local authorities and the central government, local affairs are almost bound to have a distorting effect. The conclusion to be drawn is not that local government cannot have a prominent place in a democratic system of government, but that it needs to be balanced by a strong central government which has the means to emphasise more the

justice of its policies and pay less attention to the minority whose notions of justice are outweighed by personal convenience. -

Secondly, care must be taken not to misinterpret a particular situation. Dr. Moulin gives examples from France and Belgium, where local communities have resisted policies that, to others, appeared just. Now such resistance may not always result from a preoccupation with local affairs to the exclusion of the needs of the wider community. As is implied by my more general remarks, such resistance may reflect a genuine difference of opinion about the justice of rival claims. Moreover, it may be that a sectional interest as distinct from a local interest is strongly entrenched and is using the machinery of local government to further its sectional claims. Dr. Moulin's examples are, I believe, a case in point. The agricultural interests referred to are presumably the growers of sugar beet and the cultivators of vineyards concerned to maintain the special protection accorded to them against the rigours of the market. Now they may not have a good case, in that personal considerations are being put before all others, but it is an attitude that they would have adopted, local government or no local government. The local municipality is merely a convenient channel for putting pressure upon the central government; it is not the cause, or even a contributory cause, of that pressure. Similarly, in the case of certain Belgian communes resisting reform, the traditional local autonomy has been valued because it has enabled important minorities, Flemish and Walloon, Catholic and Liberal, to salvage some of their claims which to them appear just, but which a wider authority would have disallowed had it the necessary powers. Thus many an internal conflict which takes the form of a dispute between local and central authorities is in fact a conflict that would appear on the political scene whether or not there was a system of local government. And again the conclusion to be drawn is not that a system of local self-government inevitably encourages a blindness to wider claims, but that, where there are conflicting claims difficult or impossible to reconcile, the local machinery will be used by the interests involved.

It is for the above reasons, added to those already given on a previous occasion, that I am neither so sceptical nor so mistrustful of a system of local government as a basis for democracy as are Professor Langrod and Dr. Moulin. That it will suffer abuse need not be denied; but at the same time recognition must be given to the invaluable opportunities it affords, especially the insight it can give into political activity and political justice. These remain the same whatever the size of the issue.

May I add, in conclusion, that I fully agree with Dr. Moulin when he says that one's estimate of the place of local self-government depends upon one's definition of democracy. The difficulty is that Dr. Moulin seems to have a two-fold conception of democracy for he takes democracy to be essentially an egalitarian, majority and unitary system and yet one inspired by fair play, tolerance and respect for the rights of the minority. These two statements I find somewhat contradictory, and while local self-government, with its attendant local variations, is quite compatible with liberal democracy, it might well be in contradiction with egalitarian democracy. One has the choice.

# Ministerial Control of Electricité de France

By MARGARET FINNEGAN

*This is a first-hand study by a student of the London School of Economics and Political Science of the relations between the Government and the Electricity Board in France.*

ELECTRICITY in France, like many other of the country's resources, was nationalised after the last war, for a complex of reasons. There were strong technical and economic reasons—the need for accelerated output to meet the immensely greater demand called for large-scale investment, new plant, and the pooling of supplies that could come from rationalising over 600 firms into one large organisation; electricity was a major item in the Monnet plan for increasing France's productivity, and a centrally-controlled industry was a much more effective economic instrument for carrying out this plan than a fragmented one. And there were strong political reasons, arising out of party creeds and the peculiar post-Liberation political atmosphere in France; many of the Resistance parties had made the need for nationalisation a feature of their post-war plans; it was felt that nationalisation would be one of the literal expressions of sovereignty of the people, and would reverse the inter-war capitalist trends; there was the desire of the parties, immediately after the war, to co-operate, and there was the feeling that a clean sweep must be made of the old methods of running the country—a feeling of which the Monnet plan was one economic manifestation.

These reasons were all clearly defined in the debates which preceded the passing of the Nationalisation Act, 1946, and are implicit, where not actually stated, in the Act. Consequently, the Act reads as a mixture of aims and hopes, not all the practical consequences of which are worked out in detail by the legislators to make sure that they would not clash with each other—or even to make sure they would become effective. Some of the very complicated problems raised were referred forward to future decrees—a typically French form of legislation. For example, Article 2 of the Act lays down that regional autonomous boards would be set up to run the distribution side of the electricity industry, the distribution to remain in the hands of the National organisation until the autonomous regional boards should be set up. Articles 21-23 deal with the functioning of the regional boards. But there are no provisions saying who is responsible for seeing that the boards are actually created, or by what date they must function. One is left to assume that gaps such as these will be filled by Ministerial decree.

But in this article we are particularly concerned to see how the autonomy of a nationalised industry works out in France. The question of how much freedom should be given to a nationalised industry has been strongly debated in England, and formed the subject last year of a Select Committee report; as this report showed, and as both politicians and writers on the subject have always emphasised, the problem is one of achieving balance between responsibility to Parliament and independence in the running of the

organisation. The responsibility to Parliament is necessary because Parliament represents the nation, which is the actual owner of the nationalised industry in question, the Acts of Nationalisation in both countries making it clear that nationalisation embodied, amongst other things, the principle that the nation should be the declared owner of this particular section of its productive resources. Independence in the running of the organisation is necessary if the initiative of the individuals running it is not to be suppressed and if the industry is to be run successfully, so as to make the best use of its resources, for, although nationalised, it remains an industry. This argument clearly entails a form of organisation with more freedom than is found in a government department. The men who control the industry run it as an industry, and opinion generally demands that they should be given sufficient freedom to do the job well. In both countries the link between the control exercised by Parliament and the freedom of the men running the organisation is the Minister, and upon the interpretation of his role a great deal of the character of Parliamentary control and the freedom of the industry depends.

How is this control exercised in France?

#### *The Minister and Parliament*

The relationship between the Minister and Parliament has always been the aspect of the Minister's functions to which he, Parliament, the Act of Nationalisation and the general public have given the least attention.

The position is slightly more complicated than in this country by the fact that more than one Minister is directly interested in the nationalised electricity undertaking. When one speaks of "the Minister" in this case one is usually referring to the Minister for Industrial Production, but the Minister for Finance is also more directly concerned with the running of the undertaking than the Treasury would be in this country—for instance, the Minister for Finance nominates some members of the Board. But in the matter of answerability to Parliament, one usually means the Minister for Industrial Production.

The provisions of the Act covering the Minister's responsibilities to the Assembly are quite simple; Article 30 states that within a year after the close of each financial year, the Minister shall present a report to Parliament. In practice, a debate usually follows this report. The effectiveness of parliamentary control hinges on the quality of these debates, in conjunction with the work of the Parliamentary Commissions for nationalised industries. The debates do not advance the control of Parliament over *Electricité de France* or over the Minister, as they suffer from the same defects as similar debates in our own country—the inability of most of the debaters to view the problem in broad terms as a whole; their lack of any real knowledge of the subject, and, where they do have some information, their tendency to concentrate on isolated details, either because these affect their constituencies, or simply because they may know a little about them. Nothing but the vaguest general resolutions, and the approval of the Minister's report, is likely to emerge from these debates. Parliamentary questions on electricity, too, which are few, and rarely answered without a delay of several months, tend to deal with parochial aspects of the problem rather than to promote any general control of the Assembly over the Minister.

There is a Commission for Nationalised Industries in both the Assembly and the Council of the Republic composed of members of the respective house, sitting permanently throughout the session. In addition to its power to examine and alter any proposals the Minister may lay before Parliament, and to report to Parliament on these proposals, it can ask the Minister to appear before it, and members of the Commission may examine at any time details of the workings of the Nationalised Industries. The initiative of the rapporteur of each Commission is therefore of importance. The Parliamentary Commissions, which can so often exercise control over a Minister to the extent of completely distorting his policy, do not appear to have wished to play a very decisive role towards electricity. The rapporteurs of both the Assembly and the Senate Commissions can and do ask for all kinds of details from the Minister and from E.d.F., but very little parliamentary action usually follows. One explanation of this which has been put forward is that control over nationalised industries has not yet settled down into traditional parliamentary life, and so the position of rapporteur of these particular Commissions is not seen as a great step forward on the political ladder, so the office is held with no abounding enthusiasm by the Deputy or Senator filling it, and is not viewed with tremendous respect by E.d.F. Whether Monsieur Hugues' rise to Ministerial office will change this attitude remains to be seen.

The net result, therefore, of the debates on electricity, the parliamentary questions on the subject put to the Minister, and the activities of the Commissions, is that the link between Parliament and the Minister is a weak one.

#### *The Minister and the Boards*

By contrast, the relations between the Minister and the nationalised industry are close and real. The law envisaged contact between the Minister and E.d.F. at the following points: first, in the appointment of the Director-General, who is responsible for really running E.d.F.; whilst the Director-General is nominated by the Board (a third of whom are nominees of various Ministers) he must be acceptable to the Minister; secondly, in the running of the Caisse nationale d'équipement de l'électricité et du gaz—a financially autonomous body set up by the Act to deal with the financial problems facing the gas and electricity industry, notably those arising from rapid expansion of production, and from the obligations assumed from the actual taking-over of the many separately-owned electricity undertakings—the Chairman is a nominee of the Minister for Finance, and four members of the Board are ministerial nominees; thirdly, in the selection of the members of the Chambre des Comptes, which examines the accounts of E.d.F.; and finally, the Minister must approve the annual reports of the undertaking.

#### *The Director-General*

The relationship between the Minister and the Director-General is perhaps the most effective one, from the point of view of Ministerial control. In the first place, E.d.F. is a centralised organisation, and therefore the Director-General fills a position which carries real power, and he can influence any section of the organisation; secondly, since the appointment of the Director-General must involve Ministerial approval, the Director-General

virtually depends for his job on the Minister, and the varying pressures which can arise from such a situation would appear to be accepted as normal by the French mind, and the possibility of an official resigning rather than submit to a Ministerial decision on policy with which he disagrees does not seem to be considered, even as a hypothesis. Whenever the present writer quoted the case of the resignation of Mr. Hardie of the Iron and Steel Corporation of Great Britain, the reaction of anyone inside E.d.F. was astonishment, incomprehension and pity! Thirdly, the nature of the Board brings the Minister and the Director-General closer together. At first sight, the Board might be viewed as a counterbalancing force, since it is midway between the two in actual hierarchical status; it does also have legally defined status to give it power and it does represent a variety of interests, and could claim, with some justification, to be more representative of the nation than the Minister. But tripartism has so weakened and divided the Board, and it is, in any case, so large and non-homogeneous a body, that instead of playing the counterbalancing role between Minister and Director-General one might have expected it to play, it leaves the field even more wide open for closer interplay between the two. Finally, the weakness, which we have discussed earlier, strengthens the Minister's control over E.d.F. by giving him a virtually free hand.

Ministerial influence in the Caisse nationale d'équipement is fairly important—though less direct, since this is an autonomous, though related body—as the Caisse plays an important part in determining the mechanism of financing new investments. Whilst Ministerial representatives here are in a minority, they outnumber the representatives of Electricité de France and Gaz de France, unless these latter all vote together, and rivalry in investment plans between E.d.F. and G.d.F. makes a common vote between the two something less than a foregone conclusion.

Ministerial influence in the appointment of members of the *Chambre des Comptes*<sup>1</sup> is less significant in this question of the independence of E.d.F., since the *Chambre des Comptes* does confine itself to auditing functions.

This, then, is how the law formally allows the Minister to influence Electricité de France, and how in practice his official areas of pressure are extended or modified. But Ministerial control runs far beyond what one might imagine from the Act.

Control can be either *a priori* or *a posteriori*. Nobody inside E.d.F. objects to a *a posteriori* control—to the checking after an action to see that it was in accordance with the policy originally laid down. Everyone would admit this to be both in the spirit of efficiency and of desirable parliamentary control. The mechanism for this form of control in E.d.F. is the financial check-up after the financial year. After the internal audit of the *Chambre des Comptes* within six months of the close of the financial year, followed

<sup>1</sup> The members of the *Chambre des Comptes* are, according to the Act, to be selected by the Minister on the grounds of their experience in industry and accounting; their appointments are full-time, and their function is to audit in detail the reports of the Board at the close of the financial year. They, therefore, represent the internal audit of the E.d.F., in contrast with the *Cour des Comptes*, which is external to E.d.F., deals with all public accounts, whose function is therefore much wider, with very great scope of examination and retribution, and which may be asked by the government or by the Assembly to undertake investigations.



by the audit of the Cour des Comptes, the Minister must approve the year's results. Whilst this form of control is very real, it cannot be said to be oppressive, since, for the first financial period—an extraordinary one, from 1947-1950, so designed to cover the taking-over period of nationalisation—the Minister had not definitively examined the accounts by June, 1954! We have no reason to assume he will examine them in the immediate future.

But everyone in E.d.F. objects to *a priori* control. In fact, when one is considering the question of whether or not there is too much Ministerial pressure on any of the nationalised undertakings, one is really thinking about *a priori* control—control over the initial decisions. This type of control is strengthening, and the trend is to turn an autonomous body into something more resembling a government department. It is really part of the long tradition of French parliamentary government whereby an "efficient" executive has become synonymous—for the executive at least—with a rather dictatorial one. Parliamentary control over general decisions, representing, as it would, popular sovereignty, would at least seem reasonable—if irritating—to a body such as E.d.F., whereas Ministerial control does not—this is partly because Parliament's views on the nationalised industries, being so vague and inarticulate, do not seem to represent in a particularly direct way the views of the nation on the subject, and also because Parliament's control over the Minister is so weak that the Minister has correspondingly little connection in the eyes of the nationalised industries with Parliament, seen as the voice of the nation.

There are two main ways by which this increasing Ministerial pressure is exercised, first, by the Commissioners, and secondly, by the financial arrangements.

### *The Commissioners<sup>1</sup>*

Commissioners are those Ministerially appointed representatives, permanently present in E.d.F., who can attend all meetings, and who can clearly influence decisions. The law of 1946 makes no mention of them, but the tradition of State Commissions goes back to a decree of 1935 (published in the *Journal Officiel* of 31st October, 1935) which created State representatives to exercise control over any organisations receiving financial help from the State, the Commissioners so appointed having access to all Board meetings. At the same time, the accounts of such organisations could be brought within the jurisdiction of the Cour des Comptes.

In 1944,<sup>2</sup> these commissioners were organised into a small corps, responsible to the Minister for National Economy; in addition to those organisations receiving State aid, commissioners were also to be appointed to

<sup>1</sup> The study of the working of the nationalised industries in France is somewhat complicated by the fact that the titles "Commission," "Commissioner" and "Mission" appear to have been bestowed on a large number of people whose functions are not, unfortunately, always the same.

The "Commissions" of the Assembly and of the Council of the Republic I have referred to as "Parliamentary Commissions," to distinguish them from the "Commissioners" we are now dealing with, who are either:

- (a) Members of the Mission de Contrôle Economique et Financier; or
- (b) The direct government agents.

<sup>2</sup> *Journal Officiel*, 7th December, 1944.

... organismes de toute nature exerçant pour le compte de l'Etat une fonction économique et qui seront soumis au contrôle par décret contresigné par le ministre de l'économie nationale.

Their functions were specifically widened to include, as well as purely financial surveillance, general economic control, such as planning and production.

In 1950, their functions inside the organisations to which they were appointed were made even more specific, and then, in May, 1953,<sup>1</sup> the controls relating to the various organisations affected were made even more far-reaching. It is significant that the body of commissioners attached to an industry is now referred to, officially, as *Missions de Contrôle Economique et Financier*.

In a separate decree the functions inside E.d.F. for these gentlemen were stated to be those of technical, economic and financial control, and in addition to the officially-styled Mission for Economic and Financial Control, a direct government agent—also called a "Commissioner"—is Ministerially appointed to E.d.F., and, apart from a right to a consultative position at any Board meeting or other meeting in the organisation, he is now given, specifically, the function of stating the Government's opinion on matters under discussion at the meetings, and of keeping the Minister of Industrial Production, and also the Minister for Finance, *au courant* with Board matters. Even more important, he can, within three days after a Board decision, suspend any such decisions, immediately notifying the Minister of Industry; he can suspend decisions "which appear to him contrary to the general interest" and, unless there is Ministerial intervention to the contrary within a week, his suspension becomes permanent.

Secondly, the Mission for Economic and Financial Control has rights of access, similar to those of the Commissioner named above, to all meetings, and a similar stay of execution power, this time relating to decisions "affecting the financial and economic conditions of E.d.F." Suspension becomes permanent unless joint Ministerial intervention to the contrary, by the Ministers of Finance and Industry, takes place within 20 days. (One can speculate pleasantly as to what is the correct procedure should the Ministers disagree, and therefore be unable to intervene jointly. . . .)

This is a clear step towards government administration, and quite contrary to the idea of autonomy outlined in the Act. Much depends on the interpretation of the roles, but it would be a mistake to assume that the functions of the Commissioners are mere formalities. The Commissioners use their prerogatives to the full. The stay-of-execution has never been applied—but this is probably because the power of stay-of-execution makes it unnecessary for it ever to be applied. It is a veto which E.d.F. knows could very easily be applied, and so the Minister, through the Commissioners, can modify, delay, or completely transform any policy relating to electricity. The power of the Commissioners is not unrelated to that aspect of the whole problem which we have discussed earlier, the lack of control over, and apparently lack of interest in, the Minister, by Parliament. Though no publicity is given to the role of the Commissioners, the wide ranges of their power are published for all to see, and surely the Parliamentary commissions

<sup>1</sup>*Journal Officiel*, 12th May, 1953.

must be aware of the scope of their functions, though these appear to attract little comment.

### *Financial Control*

The financial strings are equally effective. In considering limitations upon financial autonomy, one should distinguish between statutory requirements of the original 1946 Act, which impose obligations upon E.d.F., thus causing liabilities which limit the organisation's operations, and the powers accorded to the Minister for possible intervention through financial control. Both have the same net effect, but only the second group are relevant for assessing growing Ministerial control. Briefly, the first group comprises the amortisation charges which have arisen from the conditions under which stocks were taken over from the various companies previously privately-owned; the charges resulting from the operation of the Caisse nationale d'équipement, which we discussed above, and the contributions which E.d.F. must make to its own social security organisation.

The second group, those which represent an encroachment of Ministerial power on the autonomy of E.d.F., consist chiefly of budgetary arrangements and tariff policy control. The approval of the budget for each forthcoming year is of key importance in the advancement of Ministerial control. Through the Commissioners, the Minister's control can be sufficiently subtle to make the Budget, as presented for Ministerial approval, conform to the government's plan and therefore need no *direct* Ministerial intervention. This is the point at which there can be exercised direct control over investment, since technical requirements call for such heavy investment that these cannot, all at once, be financed from current income. Along with the additional money to carry out the investment policy comes the traditional control over the policy itself. A typical example, and one which caused much disappointment in E.d.F., was the forcing down, in favour of thermal stations, of the percentage of hydro-electric stations in the provision of the total supply of electricity needed—a change of policy which was effected against the strongest wishes of E.d.F. It is always difficult to say who should have the last word in such decisions, and whether they should be seen as political or technical, but it seems unfortunate that the Ministerial attitude has caused E.d.F. to see them not just as unwise technical developments, forced by political motives, but as steps lost in the long battle with the executive.

The government's tariff-fixing policy can, and does, upset E.d.F.'s own tariff plans, and even their revenue estimates. It is, of course, a very debatable point whether the broad lines of tariff policy should be purely Ministerial decisions, or whether they are so intimately connected with technical requirements that they are purely and simply internal decisions for the nationalised industry concerned: probably the only workable answer is one which combines aspects of both points of view. In France, the point is warmly contested, but the problem is further complicated by the whole complex policy of interlocking government indices for the cost of living. This is derived from a weighting of 213 basic articles of consumption, of which various electricity tariffs form part. Consequently, Ministerial interventions in tariff details which appear to have come from purely political motives, can be highly irritating, if not actually dislocatory. In September,

1953, for example, the government announced a general drop in the cost of living of 5 per cent, i.e., a cut in the key components of the cost-of-living index, including a cut in one of the ordinary consumer's electricity tariffs, thereby forcing E.d.F., without warning, to alter the tariff.

If we try to assess the effect of this purely financial control, we see that there is very marked State interference in financing—in the overall planning and in the day-to-day details of finance—in spite of the fact that the Act of Nationalisation gave E.d.F., subject to specific accountability to the Minister, freedom of action, with personal liability involved for those running the organisation, as in commercial companies. The Act also gave the organisation financial autonomy and ordered the organisation to proceed along the lines a commercial firm would follow—which certainly contain no parallels with existing Ministerial encroachments; moreover, the law calmly states that E.d.F. *will* make a profit!

#### *Counteracting Factors*

The trend can clearly be seen as Ministerial limitation upon the independence of the organisation. But is E.d.F. completely controlled? The organisation is far from completely controlled, and the reasons would seem to be these. The technical requirements of the nation since the war have been so great that the provision of electrical power has been of first-class importance, and output has actually doubled since Liberation, consequently the technical requirements to be met inside the industry, to produce the vastly-increased supply, have tended to overshadow all other requirements in overall planning for electricity. E.d.F. officials do not hesitate to use these technical requirements as a very effective pressure in their relationships with the Minister, though one cannot assume that there will always be pressing technical requirements. There is a tremendously good spirit inside the organisation, a genuine desire to make E.d.F. "work," and this produces a well-knit organisation, particularly resilient in the face of attack. Another factor making for unity and a common front to the Ministers is that the most important posts inside the organisation would appear to be nearly all filled by *Polytechniciens*: this means that the most important officials have many traditions and habits of thought in common, are notably loyal to each other, work well together, and, from their early training, have all acquired the *same kind* of high efficiency. Lastly, we must remember that the people who run the French nationalised electricity undertaking are, after all, French—that is to say they have ingrained experience in this fight of the administrator and the *administré*; traditional encounters have given them a toughness in the fight, and a surprising adaptability for playing both roles. They both understand each other, so that what may seem to be very nearly a Post Office situation is in reality a long way from that. For example, although a large part of the Act of Nationalisation was devoted to outlining the running of the autonomous regional boards for distribution, officials in E.d.F. found many disadvantages in the idea of such boards—and it has just so happened that they have not yet been set up.

The paradox of such controlled autonomy can be traced back to the law itself. Autonomy was seen as essential for energetic running of the concern; control by the nation was an admitted necessity and represented an expression

of popular sovereignty. But if overall planning in the Keynesian sense is to have any meaning, then autonomy in this context must also take on a new meaning, and not merely be synonymous with ordinary commercial methods of running a business. The limitations of classical commercial usage were one of the factors creating the need for nationalisation. The situation also raises the general problem of the role of the executive in parliamentary government, and does suggest that, if a new concept of control over nationalised industries can be worked out, it does call for the French ministerial mind to accept the possibility that an efficient control does not necessarily mean a stranglehold. If technicians are to accept the fact that they are not necessarily the best people to take policy decisions, then co-operation between the Minister and the nationalised industries must be based on a practice of mutual, well-earned respect.

It would perhaps be in the nation's interest, and would almost certainly make Parliamentary control more decisive (if that is an advantage!), if it were clearer who is to take the broad policy decisions; the present developments, with ministerial decrees—which get very little publicity—amplifying or nullifying the spirit of the law, mean, in effect, a silent battle between an ever-increasingly powerful Minister, rarely controlled by Parliament, and a determined, independently-minded organisation, accomplishing a difficult task. But for the student of political theory, to see the problem as one of merely clarifying the issue between Minister and nationalised industry is not enough; the real need is for a new overall view of the problem, a re-thinking of parliamentary control over such bodies in political theory and the political life of a country. The need exists in France as elsewhere, but, though felt by some, does not appear to receive much discussion.

## The Public Service in-France

By T. D. KINGDOM

*Mr. Kingdom reviews a recently published book which provides a comprehensive account of the French Civil Service.\**

A MEMBER of a French delegation visiting London soon after the last war observed that in public administration the usual national characteristics seemed to him to be reversed in that the British tried to foresee every contingency in order to prevent injustice in social legislation whereas his own countrymen proceeded empirically: if the code bore hardly on unusual cases, that, for the time being, would have to be lumped by the *administré* but it would be put right when the next crisis came along and the code was thrown into the melting pot. At that time—a few months before the Act of 1946 introducing a *statut général des fonctionnaires*—there was an element of truth in this paradox so far as concerned the treatment of civil service matters. Although there had been a good deal of thought and writing about questions of government organisation and of the powers and responsibilities of officials in particular contexts, there had since the beginning of the nineteenth century been little serious discussion about the officials themselves comparable with the succession of published reports on the British Civil Service. Even the 1946 Act, which was voted at the end of a parliamentary session, provoked no debate of the principles which should govern the relation between the State and its agents and passed almost unnoticed by the general public. The need for a comprehensive account of the French Civil Service has now been excellently filled by the person best fitted to write about it, M. Roger Grégoire, the first holder of the post of *Directeur de la Fonction publique*.

The author remarks that it would be unthinkable in France to recruit for administrative posts among men and women without some form of legal training, and his own background at the *Conseil d'Etat*, if nothing else, must have impelled him to start his book by showing how the juridical conception of the official squares with the French conception of the State. The idea that in the matter of conditions of employment civil servants are a class apart is linked with the position that they, or at least some of them, are conceived to hold as public authorities in their own right, i.e., as being in some sense a part of the State and not merely employees of the State. That formula certainly distinguishes the French civil servant from his American opposite number, who is like any other salaried person except that, in the job he is in at the moment, he happens to be paid out of public funds. When therefore the French have to find an answer to some problem thrown up by a modern civil service—e.g., the question of the right to strike—it is natural for them to look for guidance to principles of Administrative Law. This is difficult ground for the general reader in an Anglo-Saxon country and M. Grégoire's opening chapters, for all their lucidity, may leave him a little bewildered. The jurisprudence of the *Conseil d'Etat* in civil service matters derives from

\**La Fonction Publique*, by Roger Grégoire. Collection "Sciences Politiques." Librairie Armand Colin, Paris. 1954. Pp. 1346. 1200 fr.



the separate legal status of officials, whereas in Britain the civil servant hardly differs in law from anybody else. A French observer\* has remarked of him: "Il n'est pas une 'autorité' mais un 'serviteur'." Legalists may perhaps, then, find it odd that civil service reform in France should in so many respects have taken the direction of British development. The truth, we should like to think, lies in a phrase used by the author when dealing with methods of joint consultation: "c'est une question de mentalité et non de textes."

One of the most striking things about the Act of 1946 is the far-reaching provision in it for collaboration with representatives of the staff. The counterpart of our National Whitley Council is the *Conseil supérieur de la Fonction publique*. The Council's chairman is a political personage, it seems. In his absence the official side (*section administrative*) is chaired by the *Directeur de la Fonction publique*; moreover the latter always takes the chair at the separate meetings of the staff side (*section syndicale*). This arrangement, at first sight a paradox, has given excellent results and the author pays tribute to the constructive spirit shown by the staff representatives. Matters are often referred to the two *sections* for separate study and it is not unusual for agreement to be reached without a meeting of the full Council. Our Departmental Whitley Councils are matched by two sets of joint bodies. The *comités techniques paritaires* have terms of reference which might suggest that they are essentially manpower or O & M bodies; in fact they have rarely gone outside "bread and butter" establishment matters. They deliberate on general questions and it is this that distinguishes them from the other bodies, the *commissions administratives*, which deal with individual cases. Here there is a big divergence from the pattern of the United Kingdom, where the usual practice is for the cases of individuals to be taken up in correspondence or discussion between the staff association concerned and the department's establishment officer, business on the Whitley Council and its committees being for the most part limited to matters of principle. Furthermore the *commission administrative* is not just a safety valve for the case that has gone wrong: a wide range of day-to-day matters are referred to it for advice or endorsement—staff reports (which tie up with the grant of salary increments), promotions, postings, disciplinary cases and so forth.

The *comité technique* is made up on the staff side by nominees of the various staff associations. The staff representatives on the *commission administrative* are chosen on a different principle with the deliberate aim of avoiding an assembly representing the different staff groupings: there are direct staff elections by the whole body of officials in the department. In this way, it was hoped, the staff would elect those of their colleagues whom they respected the most and whom they judged to be the best fitted to advise on the human problems of a ministry, but unfortunately this intention has been partly frustrated by a parliamentary amendment which substituted proportional representation for the direct vote and so made it easy for representation of particular trade union groupings to re-appear.

On the national body and on the *comités techniques* conclusions are reached by voting. Since the official side and the staff side have the same number of seats it might be assumed that the outcome on any occasion would

\*Paul-Marie Gaudemet: *Le Civil Service Britannique*. (Reviewed in PUBLIC ADMINISTRATION, Summer, 1953.)

be as in Britain—either agreement (unanimity of voting) or disagreement (votes equally cast)—but the two sides do not vote *en bloc*. It is hard for us to imagine, say, a member of the official side voting against his colleagues, and M. Grégoire, who does not conceal his own preference for the British method of conducting Whitley business without voting, comments on the voting procedure :

It leads to long discussions in the course of which one camp tries to break the unity of the other. To take only one example, it is difficult for a director of personnel sitting on the *Conseil supérieur de la Fonction publique* to resist staff side arguments in favour of the people in his own department.

Apart from its Whitley context, this is a revealing sidelight on inter-departmental relations across the Channel and the obstacles in the way of a unified French Civil Service.

The biggest achievement of the *Direction de la Fonction publique* is the progress made towards a single career service and in the recruitment and training of those destined to play an important part in it. The emphasis is now on people, to be assigned at the right times to the right jobs, and not on "positions" (in the American sense) to be filled by candidates having an aptitude for the task of the moment without regard to what they did before or might do in the future. With this goes a greater flexibility in the hierarchy ; there is no longer the notion that someone at a certain level should expect to be provided with a certain number of lieutenants. Many of the barriers between departments remain, but standard gradings and the efforts made to plan careers on a common principle should be preparing the way for more interdepartmental transfers. The National School of Administration has attracted much interest abroad and the training given to probationer members of the new Administrative Class makes the training schemes of most other countries look very tame. The methods of the interview boards are contrasted with those of the Civil Service Commission in London. The interviews follow the pattern of university *viva voce* examinations. French psychology would not take kindly to interviews unrelated to a particular branch of learning : free discussions with the direct and avowed object of revealing the personality would, M. Grégoire explains, embarrass candidates and board members alike, striking them as an indecent exercise. This is something over and above the traditional suspicion of judgments of character, as tending to be arbitrary. Here then is a case in support of the view that "les méthodes administratives suivies au-delà des frontières ne sont pas, en général, susceptibles d'être importées ; elles peuvent tout au moins servir de matière à réflexion." Our methods are well described and appraised and the book gains in interest and savour from its extensive comparison with foreign practice.

It used to be suggested that establishment work could with advantage be taken away from the British Treasury and given to a separate agency under the Prime Minister. The French system might be thought to be capable of showing how an arrangement on these lines might work out in London, but M. Grégoire points out that the two cases are not on all fours. While in Britain the Prime Minister is First Lord of the Treasury, the French

Ministry of Finance has never been in law or in fact the "leader Department." Moreover it could not in civil service matters achieve the lofty neutrality of our Treasury because it employs a large staff (all the Revenue officials, belong to it, for example) and has in the past shown, or been accused of showing, a certain partiality to its own staff; and it has a heavy burden of executive work. On the other hand the French experiment is said not to have caused the serious duplication of work which has been suggested as one of the disadvantages of taking civil service control out of the Treasury. Both the *Direction de la Fonction publique* and the *Direction du Budget* have to join in negotiations with staff interests when salary scales are being worked out but each body has its own slant on civil service problems and a useful confrontation of views is assured.

On politics and the civil servant, M. Grégoire speaks out frankly and courageously against certain post-war trends affecting both the relations between ministers and their permanent staffs and the parliamentary activities of civil servants. The liberalism—to use a charitable word—of the present rules about parliamentary candidature is in part explained historically by the fact that in France members of the teaching profession are counted as civil servants. Earlier régimes had packed their parliaments with paid officials, and the Third Republic in the light of its principles might have been expected to tackle this abuse on the lines of English eighteenth century legislation. But when it came to it the new order felt unable to deny itself, in the Chamber, the support of those good republicans, the schoolmasters and the university teachers. Some of the things the author condemns make unhappy reading. They are best left without comment by the foreign reviewer and it would in any case be unfair to fasten on this or that weakness without giving explanations for which there is no space here. But nobody can have more than half an understanding of the achievement it has been to reach the present stage of civil service reform in France without that he reads about the climate in which this work has been done and continues to be done.

"Malgré les vicissitudes de la Fonction publique," M. Grégoire concludes, "les candidats continuent d'affluer. C'est dire que l'avenir reste ouvert." And when one puts the book down one feels that if some of them are of the calibre of the former *Directeur de la Fonction publique*, who has given so fine an account of his stewardship, it augurs well for their country.

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## Parliamentary Control of Public Corporations in Eire

By MICHAEL SCULLY

*Mr. Scully's analysis of Irish experience first appeared in "Administration," Spring, 1954, and we are grateful to the Editor for permission to reprint.*

THIS article is confined to the extent of the control exercised by the Oireachtas (Parliament) over three bodies: the Electricity Supply Board, Córas Iompair Eireann (Transport Board) and Bórd na Móna (Turf Development Board). The three boards are the giants among the State-sponsored bodies; between them they employ about 3 per cent. of the total number of occupied people over 14 years of age in Ireland (exclusive of the Six Counties). They are most important from a national economic viewpoint as they control vital fuel, power and transport industries; two of them are nation-wide monopolies. It is obvious that the degree of public control exercised by the Oireachtas over their operations is of interest.

While it is generally accepted that the Oireachtas should control the corporations, the method and degree of control has been the subject of controversy. The public corporation is in itself a form of organisation deliberately designed to avoid the complete range of control which the Oireachtas exercises over Government Departments. It is a widely accepted opinion that this close control hinders efficient administration by causing excessive caution to be exercised in the running of Departments. Consequently, it was thought desirable to avoid placing State-owned industries, in which the advantages of enterprise and flexibility associated with business concerns are desirable, under the direct control of Ministers. During the debate on the Electricity Supply Bill, 1927 (Second Stage), Mr. Lemass, referring to the Electricity Supply Board, said in Dáil Eireann: "It will be noticed that the Board is to be removed as far as possible from political pressure. It is intended to remove it as far as possible from incessant Government watchfulness or parliamentary interference."

In theory the Oireachtas can exercise any degree of control it considers necessary by setting out the powers of the Government or Ministers in regard to the Corporation in the Acts which specify the duties and functions of the Boards. Ministers must then answer to the Oireachtas for the exercise of these powers.

Under Section 2 (4) of the Electricity (Supply) Act, 1927, the Government appoints the members of the Electricity Supply Board and under Section 5 of the same Act it has power to remove members from office. The removal of a member, however, requires the laying before each House of the Oireachtas of a statement in writing of the removal and the reason for it. Section 7 of this Act requires the Board to submit an annual Report, and Accounts, audited and set out as directed by the Minister for Finance, to the Minister for Industry and Commerce for presentation to the Oireachtas. Under existing legislation the Board has no power to borrow capital. The capital which it requires is advanced to it from the Central Fund by the Minister

for Finance on the request of the Board. A bill before the Oireachtas at time of writing, however, makes provision for the issue of stock by the Board and for temporary borrowing up to prescribed maximum amounts, subject to the consent of the Minister for Industry and Commerce and the Minister for Finance. The consent to borrow will be subject to the condition that the moneys shall be utilised only for the purpose of a programme of capital works approved by the Minister for Industry and Commerce. The proposed Act also requires that advances to the Board from the Central Fund may be subject to the same condition. The Bill will provide increased ministerial control over the Board's plans for development.

Bórd na Móna was set up under the Turf Development Act, 1946. Sections 9 and 10 of this Act regulate the appointment and removal from office of members of the Board in similar fashion to the Electricity (Supply) Act, 1927. Section 18 gives the Minister for Industry and Commerce power to direct the Board when and in what form the annual report will be furnished, and to give any information he requires concerning the Board as to the carrying out of its functions. Section 18 also requires the presentation of accounts to the Oireachtas. Grants to the Board for special purposes are subject to the direction of the Minister for Industry and Commerce under Section 52. Section 53 enables advances to be made to the Board from the Central Fund by the Minister for Finance on the recommendation of the Minister for Industry and Commerce. Temporary borrowing by the Board is subject under Section 58 to the consent of the Minister for Industry and Commerce. Section 59 gives the Minister for Industry and Commerce, after consultation with the Minister for Finance, power to specify the form of accounts and the arrangements for auditing the accounts. Schemes for the building of houses for the Board's workers must be submitted for approval to the Minister for Industry and Commerce in accordance with Section 5 of the Turf Development (Amendment) Act, 1950.

By the Transport Act, 1950, Córas Iompair Éireann became for the first time a public corporation in the strict sense of the term. The provisions of Sections 6 and 7 of this Act in regard to the appointment and removal from office of Board members are similar to those of the Electricity (Supply) Act, 1927, and the Turf Development Act, 1946. Section 16 requires the Board to furnish to the Minister for Industry and Commerce "such information as he may from time to time require regarding matters which relate to its activities other than day-to-day administration and which appear to him to affect the national interest." By-laws made by the Board under Section 22 of the Act must be approved by the Minister. Temporary borrowing is subject to the consent of the Minister with the approval of the Minister for Finance (Section 28 (1)). Issue of stock by the Board is subject to the previous consent of the Minister under Section 28 (2), while Section 31 requires the Minister for Finance to lay particulars of any guarantee payment from the Central Fund in respect of interest on the Board's stock before each House of the Oireachtas.

As well as being responsible for the exercise of any specific statutory powers set out in the different Acts, the Minister for Industry and Commerce is responsible for matters of broad general policy which affect the national interest, but in matters of day-to-day administration the corporations are



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independent. As Ministers are accountable to the Oireachtas in respect of matters for which they have a definite responsibility, it is true in theory at least that the degree of Oireachtas control over the corporations is equal to that of ministerial control.

## CONTROL IN THE DAIL

Three methods can be used in the *Dáil* to implement control over the corporations. They are as follows :

- (a) Deputies may ask questions concerning the corporations ;
- (b) The affairs of the corporations may be debated ;
- (c) A Select Committee or Committees may be used to examine the accounts or inquire into the activities of the corporations.

### (a) *Parliamentary Questions*

Parliamentary questions are employed as an indirect method of control. Its scope is limited, however, as questions normally relate to specific points, while it is in regard to broad lines of policy that control is most needed.

The following is an analysis of questions asked concerning the Electricity Supply Board, Córas Iompair Eireann and Bórd na Móna in *Dáil Eireann* during the years 1950, 1951 and 1952. Questions which only indirectly affect the corporations are omitted, e.g., questions answered by the Minister for Education concerning the provision of buses for the transport of children to school relate to Córas Iompair Eireann only indirectly. The separation of questions into those answered by the Minister and those which give information supplied by the corporations in regard to matters for which the Minister is not responsible is somewhat arbitrary as it is not possible in all cases to determine whether the Minister answered on his own behalf or on behalf of the corporation.

### ELECTRICITY SUPPLY BOARD

Year	Number of questions asked	Questions concerning Department	Questions concerning corporation	Number of questions refused
1950	74	15	53	6
1951	59	12	41	6
1952	107	11	89	7

### CÓRAS IOMPAIR EIREANN (established : 1st June, 1950)

Year	Number of questions asked	Questions concerning Department	Questions concerning corporation	Number of questions refused
1950	26	10	10	6
1951	40	9	23	8
1952	46	7	9	30

## PUBLIC ADMINISTRATION

## BÓRD NA MÓNA

Year	Number of questions asked	Questions concerning Department	Questions concerning corporation	Number of questions refused
1950	34	20	13	1
1951	14	4	7	3
1952	26	7	15	4

The figures of questions on the Department of Posts and Telegraphs for the same period are included for comparison :

## DEPARTMENT OF POSTS AND TELEGRAPHS

Year	Questions asked	Questions refused
1950	173	Nil
1951	166	Nil
1952	159	Nil

In the main questions asked by deputies in the Dáil concerning the corporations have been on matters relating to day-to-day administration for which the Minister for Industry and Commerce has no responsibility. A large proportion of questions on the Electricity Supply Board and on Bórd na Móna were answered by the Minister commencing his reply with the words "I am informed by the Board. . . ." This comprises a disclaimer of ministerial responsibility and a satisfactory answer to the deputy who put the question on the Order Paper. In the case of Córas Iompair Eireann the Minister refused to answer a large proportion of questions, apparently as a result of Section 16 of the Transport Act, 1950, which provides that the Board will give information to the Minister on matters regarding its activities other than day-to-day administration. Most questions asked were on matters of local importance. Almost 60 per cent. of the total number of questions asked concerning the Electricity Supply Board were on details of the electrification of certain rural areas. Only a very small proportion of questions were concerned with the policy or capital of the Boards. Only one question was asked in recent years on the reports and accounts of the corporations. This was on the accounts and reports of the Electricity Supply Board for the year ending 31st March, 1949, and concerned the name of the consumer to whom a quantity of electricity was supplied in bulk.

*(b) Debates*

It is by means of debates that the affairs of the corporations can be most directly ventilated and broad lines of policy examined and criticised. There are at least five types of occasion when the Dáil has an opportunity to discuss the corporations. These are as follows :

- (i) In Committee on Finance when the estimates, which provide funds

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for the Boards, are under discussion ;

- (ii) In the debate on the Central Fund Bill ;
- (iii) In debates on Bills dealing with the corporations ;
- (iv) In debate on a motion ;
- (v) When the annual reports and accounts are laid before the Dáil.

(i) Córas Iompair Eireann receives a substantial subsidy each year from the Vote for Transport and Marine Services. Consequently it is debated at some length when this estimate is being discussed. Bórd na Móna has been debated to a small extent on the Vote for Industry and Commerce. The Electricity Supply Board receives no voted funds (except for Rural Electrification) and consequently has not been debated in connection with the estimates.

(ii) Bórd na Móna and the Electricity Supply Board receive issues of capital from the Central Fund. Córas Iompair Eireann receives no capital from the Central Fund ; but each year the interest on the debentures guaranteed by the Minister for Finance is paid from this source and repaid afterwards by the provision of a subsidy in the Transport and Marine Vote for this purpose. Consequently, all three corporations may be discussed in connection with the Central Fund Bill. This opportunity, however, has not been used to any extent.

(iii) The following table shows the Acts passed by the Oireachtas which relate to the Electricity Supply Board, since its establishment in 1927, and the number of hours of debate in the Dáil in each case :

Title of Act	Approximate number of hours debated
Electricity (Finance) Act, 1929 .. .. .	4
Electricity Agreements (Adoption) Act, 1929 .. .. .	½
Electricity (Supply) (Amendment) Act, 1930 .. .. .	3½
Electricity (Supply) (Amendment) Act, 1931 .. .. .	10
Electricity (Supply) (Amendment) Act, 1932 .. .. .	2½
Electricity (Supply) (Amendment) Act, 1934 .. .. .	3
Electricity (Supply) (Amendment) (No. 2) Act, 1934 .. .. .	4
Shannon Fisheries Act, 1935 .. .. .	2½
Electricity Supply (Amendment) Act, 1935 .. .. .	1½
Liffey Reservoir Act, 1936 .. .. .	6
Shannon Fisheries Act, 1938 .. .. .	2½
Electricity Supply (Amendment) Act, 1941 .. .. .	8½
Electricity Supply Board (Superannuation) Act, 1942 .. .. .	8
Electricity Supply (Amendment) Act, 1942 .. .. .	1½
Electricity Supply (Amendment) Act, 1945 .. .. .	12½
Electricity Supply (Amendment) Act, 1949 .. .. .	11
Electricity Supply (Amendment) Act, 1952 .. .. .	4
<b>Total, 17 Acts .. .. .</b>	<b>85½ hours</b>

Over a period of 26 years about 85 hours of debate were given to the affairs of the Electricity Supply Board. When it is considered that nearly half of this time was spent on the Committee stages of the various Bills, when only details of legislation were being discussed, and that some of the Bills related to particular aspects of the Board's functions, e.g., Shannon

Fisheries or superannuation of its employees, it will be seen that the time given to general discussion of the Board's affairs has been limited to an average of about an hour per year. *Bórd na Móna* since its establishment in 1946 was discussed for about one hour in connection with the Turf Development Act, 1950. No legislation was enacted in relation to *Córas Iompair Éireann* since its establishment in 1950 and consequently its affairs have not been debated under this head.

(iv) The affairs of the Electricity Supply Board were discussed on the 12th June, 1944, on a motion for the adjournment in connection with the supply of electricity and fuel. Two adjournment debates have been held on matters connected with *Bórd na Móna*. The housing plans of *Bórd na Móna* were the subject of an adjournment debate, which lasted about 15 minutes, on the 5th March, 1952. An adjournment debate, which lasted about 30 minutes, was held on the 25th November, 1953, in connection with the dismissal of *Bórd na Móna* employees. On both occasions the Minister for Industry and Commerce affirmed that he had no responsibility in connection with the matters under discussion.

(v) None of the accounts and reports of any of the public corporations has been the subject of a debate in *Dáil Éireann*. On the 18th November, 1931, and 10th December, 1931, the question of the allocation of time for a debate on the accounts of the Electricity Supply Board was raised, but the debate was not held. During the debate on the Air Navigation and Transport Bill (Committee Stage) on 21st July, 1950, Deputy Larkin said that for some months he had a motion to discuss the accounts of *Bórd na Móna* for 1948-49, on the Order Paper, but the motion was not debated subsequently.

#### (c) *Parliamentary Committees*

The accounts and reports of the public corporations are not subject to review by a Committee of *Dáil Éireann*. Number 123 of the *Dáil Standing Orders* (1950) reads as follows :

There shall be appointed, at the beginning of each financial year, a Select Committee to be designated "The Committee of Public Accounts," to examine and report to the *Dáil* upon the accounts showing the appropriation of the sums granted by the *Dáil* to meet the public expenditure, and to suggest alterations and improvements in the form of the estimates submitted to the *Dáil*. The Committee shall consist of 12 members.

This Standing Order seems to exclude the Public Accounts Committee from undertaking the review of the accounts of the public corporations. The question of making the State-sponsored bodies subject to some form of review by Parliament or by public investigation has been debated in *Dáil Éireann*. On 27th November, 1947, Mr. MacBride asked the Minister for Finance whether he was "prepared to introduce legislation to make provision for the holding of an annual public investigation into the affairs of all State and semi-State companies or corporations at which members of the public would be entitled to obtain information and to have complaints investigated concerning the running of such companies or corporations." The Minister replied that such a suggestion would be obviously unworkable.

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Questions by Deputy Lehane on 24th June, 1948, 23rd March, 1949, and 14th December, 1949, by Deputy Flanagan on 3rd November, 1949, and by Deputy Lemass on 15th February, 1950, on the subject of making the State corporations amenable to the Dáil received the reply that the matter was under consideration by the Government. During the Committee stage of the Air Navigation and Transport Bill on 21st February, 1950, Deputy Lemass moved an amendment which read :

(5) within 21 days after a copy of the accounts and any report furnished to the Minister have been laid before each House of the Oireachtas, the Minister shall move in the Dáil for the establishment of a select committee of the House to examine the accounts and report (if any) and to report thereon to the Dáil.

The amendment was opposed by Mr. Morrissey, Minister for Industry and Commerce, on the grounds that the Government had the intention "to bring in proposals which will enable the Dáil to have a systematic consideration of the activities of the various boards at the earliest possible date." Further questions by Deputy Lynch on 13th June, 1950, and by Deputy Lemass on 15th November, 1950, 14th February, 1951, and 4th April, 1951, revealed that the matter was still under consideration by the Government. No positive action has been taken since then.

Although the accounts of the Irish public corporations and State-sponsored companies are not subject to review by the Public Accounts Committee, it is curious to observe that the accounts of Bórd na Móna (but not of the other two bodies) are audited in the Exchequer and Audit Department. These accounts are not signed by the Comptroller and Auditor-General, in person, but by an official of the Exchequer and Audit Department. This is probably done to show that the audit of the accounts in the Exchequer and Audit Department is not done by the Comptroller and Auditor-General in his official capacity and representing Dáil Eireann.

## CONTROL IN THE SEANAD

Opportunities to debate the affairs of the corporations in the *Seanad* (Senate) arise on the following :

- (a) On motions concerning some aspect of the affairs of the corporations ;
- (b) On Bills concerning the corporations.

Three motions concerning the Electricity Supply Board have been debated in the Seanad. A short debate on a motion concerning the payment of compensation by the Board took place on 23rd October, 1929. Two motions on the report and accounts of the Board were discussed. One concerning the expansion of the reports and accounts was moved on the 14th May, 1930, and resumed on the 28th May, 1930. The debate lasted about 1½ hours. The second motion, moved on 17th December, 1931, invited "further information on the policy and prospects of national electrification." It covered a wide range of the Board's affairs and lasted about 3 hours. No motion concerning any of the three corporations was moved since then.

The length of time which was spent in the Seanad in debating the various Bills concerning the Electricity Supply Board is shown in the following table :

## PUBLIC ADMINISTRATION

## SEANAD DEBATES

Title of Act	Approximate time debated
Electricity (Finance) Act, 1929	1 hour
Electricity Agreements (Adoption) Act, 1929	5 minutes
Electricity (Supply) (Amendment) Act, 1930	3 hours
Electricity (Supply) (Amendment) Act, 1931	8 hours
Electricity (Supply) (Amendment) Act, 1932	30 minutes
Electricity (Supply) (Amendment) Act, 1934	3 hours
Electricity (Supply) (Amendment) (No. 2) Act, 1934	2 hours
Shannon Fisheries Act, 1935	4½ hours
Electricity Supply (Amendment) Act, 1935..	40 minutes
Liffey Reservoir Act, 1936	} No Senate in existence
Shannon Fisheries Act, 1938	
Electricity Supply (Amendment) Act, 1941..	5½ hours
Electricity Supply Board (Superannuation) Act, 1942	30 minutes
Electricity Supply (Amendment) Act, 1942..	3½ hours
Electricity Supply (Amendment) Act, 1945..	7 hours
Electricity Supply (Amendment) Act, 1949..	2 hours
Electricity Supply (Amendment) Act, 1952..	4½ hours
Total, 17 Acts	46 hours

It will be seen that the time given in the Seanad to debating these Acts was a little more than half the time given by the Dáil. Bórd na Móna was discussed during a two-hour debate on the Turf Development Act, 1950.

The general question of parliamentary control over the State and semi-State bodies has been discussed in the Seanad. In a debate on the Central Fund Bill on 12th March, 1948, Sir John Keane brought up the problem of exercising parliamentary control over these bodies. Mr. McGilligan, Minister for Finance, in reply said that a possible solution of the problem of preserving parliamentary control would be "by having an investigation by the Comptroller and Auditor-General. He will have to be helped by the Committee of Public Accounts."

This problem was also the subject of a lengthy debate in Seanad Éireann on 2nd March, 1950, on a motion put down by Captain Orpen which read: "That Seanad Éireann is of opinion that a joint committee consisting of members of both Dáil and Seanad should be set up to consider and report on what steps (if any) should be taken to provide for a periodic review of the operation of companies in which the State holds a majority of the issued shares."

## CONCLUSION

Although debates have been held in both Houses of the Oireachtas on the extension of control over the corporations, control is, at present, limited to debates in both Houses and questions in the Dáil. The amount of time spent in debating the affairs of the corporations is small, and much of this time is taken up with discussion on matters of detail. Parliamentary questions concerning the corporations are mainly on matters of local importance, for which Ministers have no responsibility. The general policy of the boards is not subject to a regular review by, or on behalf of, the Oireachtas.



# Town Planning and the Neighbourhood Unit Concept

By PETER COLLISON

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THE neighbourhood unit concept provides a theoretical basis for the planning of residential areas. It is intended principally, although not exclusively, for use in the larger urban centres. The elements of the concept may be divided conveniently into two groups which we here term "technical" and "social" respectively. A brief description of these elements is given below. Fuller accounts may be found in the "Dudley Report"<sup>1</sup> or in the original proposals for neighbourhood planning put forward by Clarence A. Perry.<sup>2</sup>

## *The Concept*

It should be borne in mind that in practice the various elements in the concept are given different emphasis according to the approaches made by different planners as well as to differences in the areas to which it is applied. Thus, some planners might stress its importance as an approach to traffic problems, others its service in the solution of certain aesthetic problems, and yet others its use in inducing community activity and a sense of neighbourliness in the large city.

## *Technical*

**Roads.** Basic to neighbourhood theory is the idea that traffic which has no destination within the unit should be discouraged from entering it. This suggests the main means of definition and it is agreed that, ideally, neighbourhoods should be located within the areas lying between main traffic routes. Roads internal to the unit are designed merely for local communication and are shown winding about local features. By employing neighbourhood layouts, therefore, it is hoped to separate fast traffic from residential areas.

**Population.** Population levels employed vary widely. 10,000 persons is often regarded as an optimum, however, as it is calculated that this number should contain a child population sufficient to maintain two schools. Within units there are to be sub-groupings with smaller populations.

**Area.** Inevitably there must be considerable variation in the actual size of units if only for the fact that, as the city centre is approached, the areas between the main roads become smaller. However, 482 acres was recommended, in the Dudley Report,<sup>3</sup> as suitable for units in open development.

**Amenities.** The siting of amenities, churches, schools and the various types of shop, for example, so that a maximum number of people are served with the greatest possible convenience is a major planning problem. By breaking the residential areas of his city down into neighbourhood units and using these units for the purpose of providing amenities the planner

can simplify this problem. As E. D. Simon has observed, "it is possible in planning a unit with fixed boundaries for about 10,000 persons to make a thorough study of the requirements of each family and of each individual and to ensure that all these requirements shall be conveniently met within the unit."<sup>4</sup>

Although the amenities included in neighbourhoods must vary according to local circumstances, schools, churches, a community centre, public open space and certain shops are almost invariably included.

*Social Community.* It is intended that neighbourhood units should not be mere "dormitory suburbs," but that their residents should be conscious of belonging to a neighbourhood community and should have a feeling of responsibility for, and loyalty to, it. It is anticipated that the social life of a unit will be particularly rich and that a high proportion of the residents will participate in it. To assist in attaining these objects it is sometimes suggested that the neighbourhood should also become a unit for purposes of local government and that ward boundaries should be made to coincide with neighbourhood boundaries.

*Social Balance.* "Social balance" refers to the mixing of houses for people of different social class and it is widely recommended that neighbourhoods should be so balanced. The term is sometimes extended to include the mixing of different age groups.

These features of the concept which may be distinguished analytically are, in practice, closely interrelated. The provision of amenities in the unit, for example, is intended to promote a concentration of social activity and to help in stimulating a feeling of community as well as to reduce the requirements of travel and, especially in the case of children, the crossing of the dangerous traffic routes outside the unit.

#### *The Acceptance of the Neighbourhood Concept*

When James Dahir published, in 1947, his bibliography of the neighbourhood unit plan<sup>5</sup> he had to record a story of remarkable success. Stemming from a number of sources and given definitive expression by Perry in 1929<sup>6</sup> the idea had, by 1947, attracted widespread and favourable attention and was employed in countries as diverse as Poland and Algeria, and the U.S.S.R. and Canada, as well as in the U.S.A., the country of its origin.<sup>7</sup> The acceptance of the principle was not only extensive, but complete in that there appeared to be no sustained or emphatic opposition to it. In 1948 it was still possible for Catherine Bauer to write: "The neighbourhood idea rests on a solid base. Hardly any other concrete modern proposal, perhaps, has developed from such a variety of trends and circumstances, been blessed by so many kinds of experts, or arrived at such universal acceptance."<sup>8</sup>

Discussions of the neighbourhood principle appeared in Britain in the nineteen-thirties. These discussions, however, were not numerous and in some notable books on planning the problems of the layout of residential areas were discussed entirely without reference to it. During the later years of the war, however, the idea of planning in neighbourhood units achieved a sudden and widespread acceptance. Commencing with the appearance of the "County of London Plan"<sup>9</sup> in 1943 it quickly came into general use.

In the following year with the publication of the "Dudley Report" and the "Housing Manual"<sup>10</sup> it received official, or semi-official, recognition and approval. For some years the popularity of neighbourhood planning continued unabated, and as late as 1948 Thomas Sharp considered that the conception of organising a town on the basis of a structure of neighbourhoods was "perhaps the most important single conception that has been developed since towns began to be deliberately planned."<sup>11</sup>

At about this time, however, the neighbourhood thesis seems to have begun to generate its own antithesis and articles not only critical of, but actually hostile to, the concept and the system of values to which it appeared to be aligned began to be published.<sup>12</sup> It was argued, for example, that neighbourhood planning coupled with restrictive covenants had already proved, in the U.S.A., to be an instrument for segregation on lines of race and social class. The idea of developing community life in neighbourhoods was attributed to a sentimental urge to create in urban areas the social structures typical of the rural village. In pursuit of this romantic ideal the advocates of neighbourhood planning, it was argued, overlook the less attractive features of the village—its narrowness, gossip and intolerance. It was further argued that the means at the disposal of planners are quite inadequate to create neighbourhood communities in the city even if it is thought desirable to do so. Attention was drawn to the fact that modern transport permits the city dweller to seek his satisfactions over a wide area and that it cannot be assumed that he will abandon the greater choice thus afforded in favour of the more restricted associations of the neighbourhood. Furthermore, the critics urged, the clear physical definition of neighbourhoods, even together with the provision of amenities such as community centres and churches, was unlikely to develop feelings of responsibility for, and loyalty to, the neighbourhood as such. A neighbourhood unit might become, it was argued, the physical basis of a pattern of associational processes, but it is by no means certain that these processes together nor their physical expression will be imbued with the affective quality of community.

In 1948, Lord Silkin, then Minister of Town and Country Planning, addressed the Town Planning Institute. He took the opportunity provided by this occasion to draw attention to the neighbourhood concept in the following terms: "In every plan now it is fashionable to provide neighbourhoods. The assumption is that by dividing up your population into groups of 10,000 to 20,000 and surrounding them by open spaces, railways and main roads you will get nice little communities living happily and sociably together. On what evidence is that based? . . . do we really get a good life that way? What steps do you take to ensure that people inside these little areas do mix freely together and do all the things one thinks it good for them to do? I would like more thought to be given to the question of neighbourhoods, even to the whole conception of the idea. I have fallen for it myself, but I would like to think it out again."<sup>13</sup>

The Minister's desire for second thoughts on the subject is typical of the more cautious and critical attitude towards the concept which was appearing at this time. The interesting thing, however, is that the Minister should have asked such questions at all four years after the concept had been given recognition and approval and after it had been employed in many

notable town plans. One is prompted to ask how the concept came to enjoy such wide and uncritical support during the preceding four or more years.

Part of the answer to this question is to be found in the conditions generated at the time of the Second World War.<sup>14</sup> The war was accompanied, if one can use the phrase without appearing cynical, by a "homes fit for heroes" theme. There was a general determination that life should be different and better after the war. Housing and town planning occupied a special place in the idealistic and hopeful outlook of the time. The bombing of cities destroyed buildings over relatively large areas and helped, in these areas at least, to solve the problem of disturbing existing land uses and their attendant interests. Moreover, the demand for houses mounted rapidly during these years. Apart from houses destroyed, building itself was largely in abeyance so that the normal demand for houses accumulated.

Because of these conditions it was already apparent during the war that there would be a very large demand for houses in the immediate post-war period. The extent and character of this demand and the prospect it raised of building very large numbers of houses ensured that there would be a new and heavier emphasis on the town planning or layout aspects of the problem.

A further change which was probably connected with this increase in the scale of the housing problem was the increasing degree of responsibility which was being assumed for housing by public authorities. Inevitably this brought a change of perspective.<sup>15</sup> Public authorities tend to build on a larger scale than the private builder so that their perspective tends to be one of "estate planning" rather than "house building." Moreover, the public authority, unlike many private builders, can expect to be in close association with its estates for as long as can be foreseen. As a result it will be inclined to take a long-term view, to anticipate and to provide for the amenity requirements of the residents, for the appropriate location of the estates in relation to places of employment and to their integration with the town or city of which they form part. Such considerations are peculiarly those of town planning and it is not difficult to see that the increased responsibilities of public authorities in the field would serve to underline the importance of town planning.

Together with increased opportunity for planning went a determination to avoid mistakes which had been made in the building of the inter-war years. During this period a number of estates had been built in which insufficient attention had been given to the provision of amenities and to various other planning questions. As a result there was considerable dissatisfaction with the social consequences. Terence Young's book on Becontree and Dagenham<sup>16</sup> appeared as early as 1934 and showed the disadvantages of estates which were inadequately planned in the matter of social provision. This study, and others, contributed to the widespread belief that many of the estates built in the inter-war years had failed, partly or temporarily at any rate, in their social purpose. These estates were sometimes held up as a warning to planners<sup>17</sup> and there was a general desire to avoid the mistakes which had been made in connection with them.

In order to satisfy the pressing needs of the moment while also avoiding the mistakes of the recent past the planners, during the war years, required some general principle to guide them. The neighbourhood unit principle

was at hand to fill the vacuum.

The principle lays stress on amenities and by breaking his city down into a number of neighbourhood units the planner achieved a method of integrating amenities with housing. The promise of an enriched social life which neighbourhood planning held seemed further to indicate that it provided the answer to one of the pressing problems presented by the estates of the inter-war years.

It was, moreover, a principle equal to the demand for an approach to planning which was both radical and positive. It enabled the planner to escape from working and thinking purely in terms of the modification of existing structures. Its scope, in terms of the areas to which it could be applied as well as of the range of problems which it covered, matched the new and increased scope which had been granted to town planning. It is difficult not to share the perhaps slightly cynical view of C. B. Purdom, who remarked of the new towns in the immediate post-war period: "One receives the impression that the idea of the neighbourhood unit was a godsend, for it enabled the planners to work on a constructive principle and one wonders what they would have done without it."<sup>18</sup>

#### *The Employment of the Neighbourhood Concept*

Since the special conditions of the war have now receded into the past and since the neighbourhood concept has been subjected to severe criticism in recent years, one might reasonably expect some resistance to it to have appeared among town planners. A questionnaire sent, early in 1952, to the chief planning officers of the English and Welsh Counties and County Boroughs gave an opportunity to discover if such resistance has appeared.

The first question on this questionnaire asked the respondent to indicate, by marking one of three given answers, if, in the area for which he was responsible, he employed the neighbourhood unit: (a) in all development; (b) in no development; and (c) in some but not all development. Those who marked the last of these answers were asked to describe the sort of development in which they employed it. 48 (79 per cent.) county planners and 56 (67 per cent.) county borough planners replied to this question. The following table shows the distribution of the replies given to this question.

*Employment of the Neighbourhood Concept by Planning Officers of the English and Welsh Counties and County Boroughs*

	County Planners	County Borough Planners	County and County Borough Planners Together
	%	%	%
(a) in all development .. ..	2.1	33.9	19.2
(b) in no development .. ..	20.8	5.4	12.5
(c) in some but not all develop- ment .. ..	60.4	58.9	59.6
(d) no answer marked .. ..	16.7	1.8	8.7
	100.0	100.0	100.0

Thus, 78.8 per cent. of the respondents indicated that they employed the neighbourhood unit in at least some development for which they were responsible. A substantial majority of respondents, therefore, have not been persuaded to abandon the concept by the criticisms which have been made of it.

The second part of the question was so framed that only those who employed the neighbourhood unit in some but not all development should have replied to it. In fact, most respondents replied to it including 20 of the 22 who replied that they employed it in no development or who marked no reply. The replies given ranged generally over the problem of the application of the concept.

From these replies it was apparent that, among county planners, neighbourhood planning is employed principally in the larger urban areas and in new development relatively free from existing structures. The main factor restricting its use is the relative smallness of many of the communities for which they are responsible. This serves also to account for the relatively small proportion of county planners compared with that of county borough planners (62.5 per cent. to 92.8 per cent.) who indicated that they employ the concept.

From the replies of county borough planners it was apparent that neighbourhood planning has its most complete application in large scale development in areas free from existing structures. The chief factor restricting its application is the presence of existing buildings to which new development, if any, has to be adapted.

Of the 86 respondents who replied to the second part of this question, only four expressed resistance on theoretical grounds to the idea of neighbourhood planning.

The conclusion of this study, therefore, must be that the large majority of planning officers have not been sufficiently impressed by the criticisms of the neighbourhood concept to abandon its use. From evidence gathered in interviews with planning officers we would suggest two main reasons for this. They are:

1. The criticisms have been directed principally against the element which we have called "community." Planning officers, however, have been attracted by the neighbourhood concept chiefly because of its use in solving traffic problems and in integrating amenities with housing. To some extent the features we have described as "social" are, as Svend Rierner has suggested,<sup>1</sup> a matter of *ex-post-facto* theorising.

2. Decisions have to be taken in connection with the layout of housing and planners require some theory on which to work. Although aware of the criticisms which can be made against neighbourhood planning they feel that it represents the most satisfactory theory available and until a better appears they will continue to use it.

<sup>1</sup>Ministry of Health, Central Housing Advisory Committee, *Design of Dwellings* . . . , London, 1944 (The "Dudley Report"), pp. 55-75.

<sup>2</sup>Clarence A. Perry, "The Neighbourhood Unit, a Scheme of Arrangement for the Family-Life Community," Monograph 1, Vol. 7, *The Regional Survey of New York and Its Environs*, New York, 1929.



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<sup>2</sup>p. 60, para. 19.

<sup>3</sup>E. D. Simon, *Rebuilding Britain—A Twenty-Year Plan*, London, 1945, p. 193.

<sup>4</sup>James Dahir, *The Neighbourhood Unit Plan, Its Spread and Acceptance*, New York, 1947.

<sup>5</sup>Clarence A. Perry, *op. cit.*

<sup>6</sup>James Dahir, *op. cit.*, chap. 6.

<sup>7</sup>Catherine Bauer, "The Current Change in Civic Hopes and Attitudes," *Housing and Town and Country Planning Bulletin* 1, Department of Social Affairs, United Nations, New York, Nov., 1948, p. 35.

<sup>8</sup>J. H. Forshaw and Patrick Abercrombie, *County of London Plan*, London, 1943.

<sup>9</sup>Ministry of Health and Ministry of Works, *Housing Manual*, 1944.

<sup>10</sup>Thomas Sharp, *Oxford Replanned*, London, 1948, p. 158.

<sup>11</sup>See, for example, Reginald Isaacs, "The Neighbourhood Theory," *Journal of the American Institute of Planners*, Spring, 1948, pp. 15-23, and "The Neighbourhood Concept in Theory and Application," *Land Economics*, Feb., 1949, pp. 73-78; Richard Dewey, "The Neighbourhood, Urban Ecology and City Planners," *American Sociological Review*, August, 1950, pp. 502-507; Leo Kuper, "Social Science Research and the Planning of Urban Neighbourhoods," *Social Forces*, March, 1951, pp. 237-243; Svend Riemer, "Villagers in Metropolis," *British Journal of Sociology*, March, 1951, pp. 31-43; Wilfred Burns, "The Neighbourhood Unit as a Planning Concept," *The Surveyor and Municipal and County Engineer*, 29th December, 1951, pp. 831-832. For some replies to these criticisms, see Judith Tannenbaum, "The Neighbourhood: A Socio-Psychological Analysis," *Land Economics*, Nov., 1948, pp. 358-369; T. S. Simey, "Dynamic Cities," *The Town Planning Review*, Jan., 1952, pp. 299-310; Lewis Mumford, "The Neighbourhood and the Neighbourhood Unit," *The Town Planning Review*, Jan., 1954, pp. 256-270.

<sup>12</sup>"Address by the Rt. Hon. Lewis Silkin, M.P.," *Journal of the Town Planning Institute*, July-August, 1948, pp. 151-152.

<sup>13</sup>A number of writers have commented on the general importance of the war for British town planning. The first to do so was probably William A. Robson in *The War and the Planning Outlook*, London, 1941.

<sup>14</sup>See Henry Cohen, "Social Surveys as Planning Instruments for Housing: Britain," *Journal of Social Issues*, Vol. 7, Nos. 1 and 2, 1951, pp. 35-36.

<sup>15</sup>Terence Young, *Becontree and Dagenham*, London, 1934.

<sup>16</sup>See Marianne Walter, "The Housing Estate: A Warning," *The Contemporary Review*, May, 1945, pp. 285-290; Ruth Glass and L. E. White, "A Warning to Planners: The Story of the Honor Oak Estate," *The National House Builder and the Building Digest*, Sept., 1945, pp. 25-29.

<sup>17</sup>C. B. Purdom, *The Building of Satellite Towns*, London, 1949, p. 419.

<sup>18</sup>Svend Riemer, "Escape Into Decentralisation?," *Land Economics*, Feb., 1948, p. 44.

## SELECTED STUDIES PREPARED FOR THE UNITED NATIONS

The Royal Institute of Public Administration, which is the United Kingdom National Section of the International Institute of Administrative Sciences, is able to supply a number of studies produced by the International Institute for the United Nations. These studies were intended primarily for underdeveloped countries, but those listed below will be of interest and value to administrators in this country. They should be ordered direct from the Royal Institute of Public Administration.

**Handbook of Organisation and Methods Techniques** by H. O. DOVEY.  
Pp. 61, 4s. 9d.

This handbook provides an outline of the problems to be faced in the study of the organisation and methods of an administrative unit, and of some of the ways of approaching them. It contains an account of the practice of O. & M. work as applied in the United Kingdom Civil Service, and is written for both the practising O. & M. Officer and the recruit to O. & M. duties.

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A study of the problems to which the presentation of O. & M. recommendations to the executive authorities gives rise. Among the methods of presentation with which the author deals are discussions, demonstrations, charts and written reports.

**Improvement of Organisation and Management in Public Administration** by T. D. KINGDOM. Pp. 149 (mim.), 12s. 9d.

A comparative study of ways of improving organisation and management based on information obtained from 22 national governments and four international organisations. This material is appended and the body of the book analyses it to bring out underlying principles.

**Some Human Aspects of Administration** by HARTVIG NISSEN. Pp. 66, 11s. 6d.

The author presents, primarily for higher executives, a synthesis of modern ideas on personnel management in government organisations. His aim is to provide material for discussion groups of higher executives, by which they may gain a clear understanding of the importance of human factors in administration.

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## BOOK REVIEWS

### *Social Aspects of Technical Assistance in Operation*

UNESCO and H.M.S.O. 1954. Pp. 79. 4s.

### *Fifty Years of Technical Assistance*

By EDWIN A. BOCK. Public Administration Clearing House (Chicago). 1954. Pp. 65. \$1.50

TECHNICAL assistance is coming of age sufficiently to be acquiring a literature of its own. Not that there is anything very new in technical assistance as such; missionary societies and the big foundations as well as other groups have been putting it into practice for decades and the second of these two volumes summarises the experience which voluntary organisations in the United States have acquired in this field. There have also been large-scale transfers of techniques to under-developed countries in the last hundred years in the normal course of industrial and public works development. This aspect of technical assistance, from which many valuable lessons can be learned, is not considered in either of these books.

What is new is the large-scale activity conducted and financed by Governments—for instance the American Point IV programme and the Colombo Plan—and by the international agencies whose operations are co-ordinated by the United Nations Technical Assistance Board. *Social Aspects of Technical Assistance in Operation* discusses the problems which these programmes have thrown up. It was prepared by a representative group of people from the “providing” end who had had experience in administering these and other technical assistance programmes. *Fifty Years of Technical Assistance* is an expanded version of the material which was provided to the group on the experience of American voluntary agencies. Neither book attempts to do more than summarise views expressed in discussion and so they reach few definite conclusions. The reader and the would-be practitioner is left to form his own judgment on the often conflicting views which are presented to him.

This form of Government to Government assistance is still so new, and so

many individuals and groups are now and will in future be engaged in it, that any serious attempt to analyse what is being done is very much to be welcomed. These books should be read by anybody working or about to work in this field or studying this new form of international administration since they touch on all the important issues that arise. They are most useful where they deal with issues that are peculiar to Government to Government programmes, e.g., the selection and recruitment of foreign experts, their role, and the limits to what they can and cannot do in the country to which they are sent. If the advice given on these matters is heeded, it should be possible to avoid a good many of the mistakes which have been made in the past. But the bulk of both books is concerned with the selection, formulation, administration and evaluation of projects. Here too there is a lot of good common sense, but the subject is treated as though it were peculiar to technical assistance for the reason, no doubt, that the participants in the discussions were thinking more of the “providing” than of the “receiving” end. But these are primarily matters for the government of the country where the project is located since it has to assimilate the project into its general economic and administrative pattern, and a good deal of confusion, or worse, could arise if it were thought that different criteria had to be applied in the case of assisted and non-assisted projects. The arguments in these books are very relevant for experts who are asked to advise a government on the selection and formulation of projects. But the principles applying to the administration and evaluation of projects are surely the same, whether they are technically assisted or not.

GEOFFREY WILSON.

*An Investigation into the Problem of Assessment Scales*

Institute of Municipal Treasurers and Accountants, 1954. Pp. 98. 20s.

THIS book is to be welcomed not only because of the problem with which it deals, but because it is the result of a co-operative investigation made by local government officers into a knotty problem of administration of which they have intimate knowledge. The emotions roused by the means test when applied to the unemployed in the inter-war years were not similarly stirred by a number of diverse means tests which existed at the same time in various locally administered services. After the war, though the strength of feeling hindered any real consideration of income tests for determining what rents the tenants of the new council houses should pay, it did not prevent the growth of new means tests in a variety of both central and local services. The tests used by the central services, for example, in connection with legal aid or for assessing the means of parents of the winners of State university scholarships, do not appear consistent with one another, but at least they are applied uniformly throughout the whole of the country.

This study, based on an analysis of the practice of 31 county and county borough councils in services involving an annual expenditure of over £11 million, shows that the tests used in locally administered services are neither consistent nor uniform. Though the details are different, the general picture seems little improved as compared with pre-war conditions, as shown in my own study, published in 1939, of the scales used in 19 different services by 59 authorities. Different authorities use different tests in the same service and individual authorities use different tests in their own services. Individual authorities may use 6, 10, 14 or even 17 different types of income returns; the work of assessment is not normally done by one department of an authority, but by the department administering the service, so 3, 4 or 5 departments may be making assessments. An individual applicant who used more than one service might therefore be assessed in different ways by different departments of the same authority. All this is clearly brought out in the tables given in Appendix C. These, and the chapters setting out the requirements of the different services, are a valuable source of information.

While it would be foolish to demand an elaborate form of means test for some very simple service offering goods or service of moderate cost for a short period, a confused situation of this kind clearly requires to be remedied to prevent injustice, to ease administration and to present applicants with a more coherent picture of personal and family obligations. The authors therefore recommend for most services a uniform principle of assessment based on a uniform system of calculating family income, deducting specified items of unavoidable charges and expenses, and regarding a specified (graduated) proportion of the net surplus as available for contributions to the cost of the services. They then apply these principles to the various services, making additional recommendations to deal with special cases, e.g., where a long period of need affects the capacity of a person to pay, or where the applicant makes use of more than one service.

On some questions the authors of the report have not felt able to make decisive recommendations. They discuss the pros and cons of assessment by the department responsible for the service as against assessment by one department on behalf of all of them, without coming to any final conclusion, but they do not consider the older proposal to have a Registrar to do the work or the modern variant, that the National Assistance Board should do it. Perhaps it was political wisdom to refrain from writing actual figures into some of their suggestions, but we are unlikely to know the real effect of those scales without a study of a sample of the actual assessments made, with the details of income, deductions and allowances and of the grants and charges made. Only then shall we know whose shoe pinches and where it pinches. But an analysis of this kind was outside the scope of the report. The authors seem to take a slightly gloomy view of the prospects of co-ordinating the tests of different local authorities, but it ought to be possible to secure agreement on the elements of income to be included, and on the charges to be allowed, etc. The book will not have failed in its purpose if it helps to produce agreement on these points. Its effect in stimulating individual authorities to put their own house in order

can be nothing but healthy.

At the end of the report the authors raise a wider issue by asking whether the whole paraphernalia of tests, which recover one-fifth of the expenditure on the services, at a cost of collection of  $7\frac{1}{2}$  per cent. of the yield as compared with  $1\frac{1}{2}$  per cent. for rates, should be replaced by a free service. But the comparison is misleading, for some of the services are concerned not with major catastrophes like sickness and unemployment, which stop income altogether, but with things which can normally be bought out of income. The point is not that the recovered one-fifth would be lost, but that

other citizens would have a claim and that total expenditure would rise. A good deal depends on the guess as to what that rise would amount to; this the authors do not attempt to give.

Though the report leaves some questions unsettled, it is an excellent effort to set out the facts on the problem and to make practical recommendations. It is to be hoped that it will be read by those whose duty it is to decide upon these scales, and this includes the central departments of State, whose actions through legislation and circular have helped to introduce some of the diversities.

P. FORD.

## *The System of Industrial Relations in Great Britain*

Edited by ALAN FLANDERS and H. A. CLEGG. Blackwell (Oxford), 1954. Pp. viii + 380. 30s.

THE six studies in this book are intended, the blurb says, "primarily to assist the teachers and students of the subjects in universities, technical colleges, and adult education classes," and they are right on that target. Asa Briggs starts by outlining the social history of Britain since the Industrial Revolution. I would have liked to quarrel with his phrasing; but that is a bee in my particular bonnet, and I had better not listen to it too long. Professor Kahn-Freund gives an excellent and full account of the legal framework of industrial relations. J. D. M. Bell outlines trade union structure, government, and procedures, though with one or two curious omissions. A political scientist who reads what he says on trade union democracy will be surprised at some of the questions which are *not* asked: about fractions and parties within trade unions, for instance. H. A. Clegg deals as fully as the material permits with employers: associated, public, and non-federated. Allan Flanders explains collective bargaining. Finally, Clegg and T. E. Chester discuss joint consultation. Strictly, therefore, this is a book not about industrial relations as a whole but about one group of institutions connected with it. It does not deal with the firm as such, nor with the aspects of life within it covered by texts such as those of (let us say) Tiffin or Viteles, or perhaps Lloyd Warner or Elliott Jaques. I would indicate this simply as a fact were it not for some rather supercilious comments by the editors in their Introduction to the effect that what they know

not is not knowledge.

In style and method of analysis this book belongs to the Historical School, of which it has all the traditional advantages. It is a sound, common-sense review of what is going on in each of its fields, valuable for giving students their initial orientation, and bringing together much material less easily available elsewhere. From the latter point of view Professor Kahn-Freund's article is outstandingly useful, with Clegg's and Flanders' a good second. But there are the corresponding disadvantages. The Historical School, as economists will remember, bore the same relation to scientific economics as Frith's Derby Day did to art. A grand description, a useful starting point for discussion; but hardly reaching to the root of the matter. Economics increased and flourished when the Historical School was beaten out of the field by the micro-analysts, whose remoteness from reality and lack of wide sweeps infuriated the young (including me), but who laid foundations on which it was in the end possible to return with new precision and insight to the macro-analytic level. Writers like Robert Merton have been hammering away at us for years to do the same in the field of sociology, to which Flanders' and Clegg's study of social groups and their interaction strictly belongs. They do not deny that the Derby Day technique is useful as a first step: see, for instance, what the Lynds said in justification of *Middletown*. But no unnecessary time should be wasted on it. Start instead with

hypotheses about human personality; go on to others about small groups; then come back to the big institutions. Even if the results are crude at first (and the psychologists, for instance, know a bit more than the authors of this book give them credit for), this will prove the right order of proceeding in the end. So I conclude that Clegg, Flanders, and colleagues, with their historical approach

from the macro-analytic level down, need like Hegel to be stood on their heads. They have done us a very nice initial review. But next time micro, please. T. E. Chester, judging by the last Acton Society publication I have got hold of, is going that way already. I hope the others will follow him.

MICHAEL P. FOGARTY.

### *Municipal Labour Relations in Canada*

By S. J. FRANKEL and R. C. PRATT. Canadian Federation of Mayors and Municipalities; and Industrial Relations Centre, McGill University. 1954. Pp. v+87. \$2.50.

SOME 40,000 municipal employees in Canada are organised in trade unions which bargain on their behalf with the civic authorities. In Britain the corresponding figure is well over a million; even if allowance is made for the fact that the population of this country is more than three times that of Canada, the scale of collective negotiation here is obviously far greater.

Nor has the quality of the negotiating machinery in Canada reached the levels with which we are familiar. Negotiations are conducted locally and there is virtually no established method of linking standards in one area with those in another, though doubtless rates current in one place are cited for or against a wage-claim elsewhere. Nothing approaching the broad scope of the British national joint industrial council seems to be even in sight.

For these reasons it might seem that a study of municipal labour relations in Canada would be of little interest to readers in what may be called without immodesty a more advanced country. But because of their relatively undeveloped state, their immaturity, the Canadian methods expose, as it were, "the works" of the machine—and certainly the strains and stresses in their functioning—more closely than do the older and riper practices in these islands. The problems are the same, but since we see them in a less finished state we find it easier to appreciate their nature. Some examples will illustrate the point.

In Canada, it seems, there are still those who maintain that trade unionism is out of place "when the employer is a politically responsible body." Messrs. Frankel and Pratt spend little time on this outmoded view, but give more attention

to the limits of legitimate trade union action and in particular to the question whether municipal employees ought to strike. They reply that the general policy of Canadian municipalities is correct: a ban on strikes should operate in "all services whose interruption would threaten the public order and safety," whether publicly or privately owned. For the rest, municipal employees should enjoy the same freedom as other workers.

Canadian law and practice impose indeed some restrictions on the right to join unions. Many authorities forbid policemen to do so and a few extend the ban to fire-fighters. There is an odd legal decision current in some provinces by which policemen are deemed not to be employees of local authorities though appointed and paid by them, but "holders of offices of trust under the crown"; they are therefore outside the legislation guaranteeing the right to join unions. Whether by virtue of this dispensation or of others, most policemen may join only an organisation whose membership is limited to their own kind. Most provinces, moreover, ban strikes among police and fire personnel and have established compulsory arbitration machinery for them.

The references to arbitration in Canada are of special interest. It appears that arbitral bodies in general have not attained the expertise and repute which those in this country can boast and their decisions are in consequence more often ignored. Perhaps for this reason the demand that arbitrators should publish the reasons lying behind their awards is stronger than it is in this country, but the only instance of such a statement cited in this book consists of such empty generalities that it can hardly have encouraged the advocates of this measure.



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The over-ready availability of arbitration, the writers fear, lessens the likelihood that the parties will genuinely seek agreement. The possibility is well recognised here and it can best be met, not by any institutional device, but by commonsense and the readiness of both sides to compromise. Yet in the last resort, if they both prefer to indulge in a little shadow-argument as a formality and leave the real decision to an independent authority, is there much harm in allowing them to do so?

The authors think that Canadian conditions require, not that local government should give a lead in pay standards, but should be guided by "the general wage paid for comparable work by private industry in the area"; the analogy with the principles governing service conditions in this country is manifest. Yet, even if this criterion is accepted, it is a vague and elastic one and leaves room for "honest disagreement and hence for genuine bargaining." Wage determination, the writers conclude, "could never be completely surrendered to the statistician." The history of wage negotiations in Canada, they go on, shows the unwisdom, from the employees' point of view, of relying solely on a cost of living index as the basis of a wage demand, for that assumes that the rates previously in force were just; a new settlement should aim at something more than perpetuating unsuitable relations with outside employment. And finally, on the principles of wage-fixing, the authors remark that municipal employees are as much entitled as anyone else to their share of higher

national productivity: changes in national income are accordingly a factor which should be taken into account when pay rates are under review.

There is an interesting section on the way in which municipalities ought to be represented at negotiations with their staff—"by a leading administrator, by an all-political committee of council [or] by a joint committee of councillors and administrators." The first essential is that the negotiator should know the mind of his principal and be endowed with wide if not complete authority; otherwise bargains made in negotiation cannot be binding and the virtues of round-table discussions are lost. Nor does the council as a whole benefit if it tries to duplicate the task of those whom it has appointed as its representatives. The authors maintain that even if administrators do not make up the whole negotiating team, they should be generously represented on it. The complex issues at stake are often above the heads of laymen unversed in the technicalities.

Enough has been said to show that this is an informative book even for those familiar with a different social environment from that which it describes. The authors modestly make "no claim to being exhaustive," and urge further investigation into such matters as joint consultation, closed shops, and unions and ratepayers' associations as pressure groups. If they can make these investigations themselves and present them with the same wise admixture of fact and comment as they have given in the present work, they will find many grateful readers in this country.

LAURENCE WELSH.

## *Public Administration in Ireland (Vol. III)*

Edited by F. C. KING. Civics Institute of Ireland, Dublin. 1954. Pp. xix+307. 18s.

THIS is the third volume of a series which has performed a useful task in giving a descriptive account of most of the public authorities that operate in the Republic of Ireland. The title, misleading to the uninitiated, refers only to those bodies subject to control from Dublin and only occasional comparisons, mostly favourable and not tinged with political bias, are made with the situation in Northern Ireland. The selection of material has been somewhat arbitrary and has to be understood in relation to the two preceding

volumes. A varied list of organisations have been selected for description by individual experts who are associated with them, ranging from several government departments such as those concerned with education and agriculture to local authorities operating under the managerial system in local government, which has been adopted in this part of Ireland. Independent statutory bodies, such as the Hospitals Commission, and state-financed limited companies, such as Aer Lingus, receive attention. Three legal experts

discourse on the dangers of the unregulated growth of rule by Ministerial order and the emergence of Administrative Tribunals that are not subject to the traditional practices and controls of the ordinary courts of law. The usual arguments are brought forward, but no reference is made to the standard works on the subject such as that by Professor Robson.

For the student of comparative institutions the most interesting contributions are probably four or five out of the total of twenty. Mr. R. I. P. Mortished, formerly of the I.L.O. and ex-Chairman of the Labour Court in Dublin, provides an interesting discussion of the development of Trade Union Law in the Republic since the separation from the United Kingdom. The effects of the Trade Union Act of 1941 superimposed on the British legislation of the nineteenth and early twentieth centuries has created a situation worthy of study. At the same time the complications involved in a divided trade union movement and the existence of trade unions whose headquarters and governing bodies are situated outside the jurisdiction of the State are discussed with authority. The discussion of the managerial system in local government by the Chairman of the Dublin

County Council is clear and raises some interesting questions of reform, which should be noted. The contribution on the organisation of the Department of Education indicates the different structure that has survived from the nineteenth century as a result of the deliberate choice to leave the provision of most types of education in the hands of the churches and thus to avoid the necessity of establishing local education authorities. Lastly, the descriptive analysis of the work of the Hospitals Commission and the Irish air companies shows firstly how an alternative method of financing a hospital service by sweepstake can be found, though the problems of co-ordination and public control are not discussed, and secondly, how public enterprise can be financed by means of a limited company while national distinctions may be preserved in spite of the fact that 40 per cent. of the capital of these companies is owned by British European Airways.

The editor is to be congratulated on persuading the experts to describe what they are doing with clarity and in some cases with some understanding of the theoretical implications of their practical administration.

D. G. NEILL.

## Administration

15s. for four issues per annum, post free, Castle Publications, Callaghan's Chambers, Dame Street, Dublin.

THERE has just come into my hands the Spring, 1954, issue of a new Irish journal called *Administration*—and a remarkably good issue it is. One half of the 107 pages are devoted to five articles dealing with different aspects of public enterprise in Ireland. Mr. Michael Scully's analysis of Parliamentary control of the Public Corporation is reprinted earlier in this journal. The other four articles include Mr. Ryan on price policy and Mr. Neill on the experience of public transport in Northern Ireland. There is also a lively full-length silhouette of Mr. Philip Monahan, the City Manager of Cork. Professor Arthur Bromage, of Michigan, writes on the Irish Councilmen at work and the other main article is the third in a series "The Bureaucrat Observed," and is a survey of what the Executive Class in the Irish Civil Service think about various matters.

The Civil Service of Eire contains about 400 Higher Executive Officers and 600 Executive Officers and Mr. Condon sent a lengthy questionnaire to 200 of these picked at random and received 120 replies. The questions were on the lines of the Institute's study *The Scope for Initiative in the Junior Grades of the Civil Service* (1935).

Asked whether they were glad or sorry they had become a civil servant, 62 per cent. of the H.E.O.s and 56 per cent. of the E.O.s said they were glad. Many of those who replied felt that glad or sorry did not exhaust the possibilities; some said they had no choice but to become civil servants. 71 per cent. of the H.E.O.s and 40 per cent. of the E.O.s thought their work was interesting, and 90 per cent. and 77 per cent. respectively thought it important from the national

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point of view. Only one-third of the H.E.O.s who replied signed letters to the public (yet their average salary is over £1,000) and almost 70 per cent. thought their job would be more interesting if they could. Other questions dealt with pay, conditions, promotion and training, and the answers and Mr. Condon's comments make interesting reading.

It is not easy in a small country to start a new journal and to maintain a high standard, particularly in the field of public administration. We hasten to congratulate the editor (Mr. T. J. Barrington) of this enterprising Irish venture, and wish him continued success in the future.

D. N. C.

## *The Foundations of Local Self-Government in India, Pakistan and Burma*

By HUGH TINKER. University of London (Athlone Press), 1954. Pp. xxiv + 360. 35s.

How far political institutions can be exported is a problem which has occupied the attention of politicians and administrators no less than of students of politics; the colonial civil servant, for example, must have found the question as difficult to answer in his daily work as some examinees have found it on paper. Dr. Tinker's work can be regarded as a contribution to the literature on this subject, though this is admittedly not its main aim. The author is no doubt more interested in India than in local government; his book is therefore primarily a work on an aspect of Indian political history. The student of comparative local government will nevertheless find in it much that should interest and stimulate him. Equally, those who are concerned with the development of local government in Africa, for example, will find suggestive parallels even if they will be properly cautious about "drawing lessons."

The local government system of India, as Lord Hailey remarks in his Foreword, "represented in effect the deliberate introduction of an institution of a purely Western type." In other directions, the British rulers had been largely content to adapt many existing forms of administration; in local government there was little that could be adapted—and what there was, the village *panchayat* in some areas, was neglected until much later. To judge the results of this "deliberate introduction" is not easy. Dr. Tinker correctly points out that many of the attempted estimates have dwelt too exclusively on the defects. Moreover, they have done so without fully realising how many of these are defects to be found in some degree either in all local government or in all Indian politics or in all poor countries.

Indian local authorities originated from two impulses. The first was financial and administrative: in the 1860s pressure on the limited resources of the Government of India was so great that the Finance Member, as if in a gesture of impatience, decided "to teach people not to look to Government for things which they can do far better themselves"; the responsibility for roads and public works was transferred to local boards and municipalities of nominated gentlemen of respectability. The second impulse came a little later and was political in character: Lord Ripon's famous 1882 Resolution on Local Self-Government described itself as "chiefly designed as an instrument of political and popular education"; the new Indian middle classes were to be given a job to do which would prevent them from wasting their energies or spending them in less desirable directions, and which might even help to prepare them for greater responsibilities. The development of local government in India has been dominated by the continuing influence of these two distinct considerations. If either or even both had been consistently present in policy, the outcome might have been better than it in fact was.

The difficulty was partly that policy wavered; a Curzon could not be expected to look with equanimity on a falling level of administrative efficiency resulting from the implementation of Ripon's liberal ideas. Not only did different Viceroy's have different ideas; even during Ripon's own period of office, his ideas failed to permeate very far down the official hierarchy, for he was "almost alone in his liberalism." The man on the spot in the districts read the Resolution in a context different from that in which it was drafted.

Ripon saw clearly that the district officers' relation with the new local bodies was crucial, and that "if the boards are to be of any use for the purpose of training the natives to manage their own affairs they must not be overshadowed by the Burra Sahib." But it was difficult for the district officer to see the matter in quite the same way; if things did go wrong in "his" district he knew where the blame would in practice be put. To graft a structure of democratic local government on to a firmly paternalistic hierarchy was bound to involve most strenuous psychological adjustments.

Matters might have been easier if there had been at the outset any evident anxiety on the part of the traditional leaders of local communities to develop local services and participate in the political process. This, however, was missing. When this eagerness did develop—among the new professional urban classes, above all in the first decade of the present century—the Ripon inspiration at the top was lacking and the local bodies had already got into a routine of elaborate official control both from above and from the district officer. In reply to the criticism that it was a mistaken policy to try to interest Indians in local government when what they wanted was a share of power at the provincial and centre levels, Dr. Tinker insists that there was a period up to the first war when "years of opportunity passed away unused," when, that is, there was a substantial body of moderate yet modern opinion that was prepared and even keen to develop local self-government. Of course, by the time British policy had recaptured the Ripon vision, India's leaders had certainly moved their attention towards bigger goals; local authorities were then neglected or even exploited as instruments of national politics.

The history of local authorities in India is thus intimately connected with the background of British Indian policy. Even so, Dr. Tinker has found much to say that is of general interest to those concerned with local government elsewhere: on the effects of elaborate central control, the consequences of an absence of a committee structure and above all the importance of a body of local government officers. Dr. Tinker has handled a mass of difficult material with skill; provincial variations have been explained without obscuring the general story. The conclusion he reaches is supported by the evidence: in spite of all the financial and political difficulties, local government in India has managed somehow to provide a modicum of local services throughout the sub-continent and in a few cases showed much real achievement; secondly, the political experience gained has been not negligible for either politicians or electorate.

Dr. Tinker's survey does not extend into the post-war period. It would seem, however, that most of the problems of Indian local government—especially the central issue of relations between the now mainly elected bodies on the one hand and the district officer on the other—have survived the transfer of power. Neither the poverty of local authorities nor the difficulties of a largely plural society have disappeared; even the distinct worlds of the local politician and the civil servant remain distinct. How far the answer is being found in the revival by legislation of village government or in the establishment of Community Development projects would only be known as the result of a modern survey as detailed and as careful as that which Dr. Tinker has given us for the earlier periods.

W. H. MORRIS JONES.

## BOOK NOTES

### *The British Civil Service 1854-1954*

By LL. WYN GRIFFITH. H.M.S.O., 1954. Pp. 32. 1s.

THOUGH well written this is rather a disappointing publication, not because it is a bad book, it is not, but because it is an opportunity lost to do something more interesting and lasting. In large part this is a failure in aim but the book also suffers from trying to cover too much in too little space. The historical section (some 18 pages) is not particularly good even on the Trevelyan-Northcote Report. The author is more at home in the second part when he is dealing with the work of the Civil Service today. But many civil servants must have raised their eyebrows just a little to read that

"No one can climb the steep ladder to the top of a Department without two endowments: a first-class brain and a strong personality"—

at least in a booklet published by the Stationery Office at the direction of the Treasury.

### *The Development of Local Government*

By WILLIAM A. ROBSON. Third Edition. Allen & Unwin, 1954. Pp. 404. 25s.

PROFESSOR ROBSON has made extensive revisions and additions to his prologue—Local Government in Crisis; Part II, The Functions of Local Authorities; and Part III, The Local Government Service. This is an important, challenging and widely read book, and even where one disagrees with him, one cannot but admire Professor Robson's clarity and force of exposition. One's doubts about this book still are to gauge what kind of picture it leaves with the student and, in particular, with the overseas reader. Will he have the slightest idea of the great post-war achievements of Local Authorities—small as well as large? Will he have any clear picture of English Local Councils as they work today? In other words, will he have the data to put Professor Robson's arguments about drastic changes in areas into proper perspective?

### *National Coal Board*

Report and Accounts for 1953. H.C. Paper 160. H.M.S.O., 1954. Pp. 208. 8s.

IN addition to the usual statistical material, accounts and comments on the main matters arising during the year, this Report includes (in Appendix IV) a copy of a General Directive issued by the Board to all Divisional Chairmen and heads of Headquarters Departments, in October, 1953. This was designed to bring up to date and clarify the duties and responsibilities of the various executive and staff levels of the organisation and their relationships to each other. It is an important document in the development of the Board's organisation. It will be interesting to see what changes, if any, occur in it as a result of the enquiry by Dr. Fleck (Chairman of I.C.I.) and the four other members of the Committee appointed by the Board to review the organisation as a whole.

### *Comparative Public Administration*

THE *American Political Science Review* for June, 1954, contains a very useful 23-page bibliographical article by Fred W. Riggs entitled "Notes on Literature available for the study of comparative public administration."

### *The Human Enterprise Process*

By W. BROWNRIFF. University of Alabama Press, 1954. Pp. viii + 232. \$4.50.

THIS is a new and interesting attempt to analyse and explain the features common to all forms of human enterprise. It will be reviewed in our next issue.

### *The Housing Repairs and Rents Act, 1954*

By ASHLEY BRAMALL. Sweet and Maxwell, 1954. Pp. 180. 8s. 6d.

THE value of this layman's guide to a very complex and far-reaching measure is amply demonstrated by the appearance of a second edition within a month of the publication of the original.

*The Place of Finance in Public Administration*

Report of Conference. Institute of Municipal Treasurers and Accountants, 1954. Pp. 139. 10s.

IN March, 1954, the Institute of Municipal Treasurers and Accountants brought together senior representatives of the various forms of public body to discuss the place of finance in their administration. There were five main papers: Sir Edward Bridges on the Central Government; Sir Reginald Wilson on Passenger Transport; J. S. Francis on the B.B.C.; J. Latham on the National Coal Board; and Sir James Lythgoe on Local Government. The Report contains these papers, the discussion and Sir Harold Howitt's final summing up.

*International Bibliography of Political Science*

Vol. I. 1953. U.N.E.S.C.O. Pp. 248. 17s. 6d. or \$3.

PREPARED under the auspices of the International Political Science Association, this bibliography covers books and periodical articles published during 1952. It contains about 4,000 items classified according to broad subject, e.g., political theory, government and public administration and into such sub divisions as local government and civil service and by countries. It is a good beginning to what should prove to be a very useful annual series for the librarian, teacher and student.

*Public Administration Organisations: A Directory*

Edited by FRANK B. CLIFFE. Public Administration Clearing House (Chicago), 1954. Pp. xi+150. \$2.50.

THIS is the seventh edition of an annual directory of unofficial organisations in the field of public administration in the United States and Canada. The main body of the directory consists of alphabetical entries for the various organisations, giving information about their membership, finances, secretariat, activities, affiliations and publications. A final section contains a classification of the organisations by fields of activity.

*Regional Economic Statistics*

By K. S. LOMAX. Royal Statistical Society, 1954. Pp. 17. 2s.

IN this study, which is reprinted from *The Journal of the Royal Statistical Society*, Mr. Lomax surveys the official statistics of economic activity which are available, from local or national sources, for the standard regions. Attention is also drawn to gaps in existing information and to the need for data which will enable the inter-relation between the different parts of the economic system of a region to be studied.

*Clerical Salaries Analysis*

Office Management Association, 1954. Pp. 86. 25s.

FOR the sixth time the Office Management Association have carried out a survey of clerical salaries. Information was obtained from 831 establishments on the remuneration of over 70,000 clerks. The statistical material is embodied in this booklet, which also contains a report on the general trends revealed by the data and a schedule for grading clerical jobs. In general, it would appear that in the post-war labour market men can earn more in manual than in clerical work, while the reverse is true of women.

*Councilmen at Work*

By ARTHUR W. BROMAGE. George Wahr (Ann Arbor, Michigan), 1954. Pp. 119.

ARTHUR BROMAGE, in addition to being Professor of Political Science in the University of Michigan, was for four years an Alderman on the Council of Ann Arbor. In two earlier books—*On the City Council* and *A Councilman Speaks*—he has written about his first experiences as an Alderman. In this book he deals with the various kinds of function which the American Council member performs. It also contains a chapter on English and Irish councilmen at work, based on a first-hand study. On the English system he observes that "English local officials seem to have some particular flair for getting along and getting the job of administration done, without the American emphasis on hierarchy and lines of command" and again that "it is decision-making by interaction of expert, administrative and lay, representative minds which marks the English system."



# BOOK NOTES

## *Democracy in Alberta*

By C. B. MACPHERSON. University of Toronto Press. Pp. 258. \$5.50.

THIS is the fourth volume in the series of studies of Social Credit in Alberta. Professor Macpherson's main thesis is that Alberta, though classified as a democratic system of government, has not enjoyed the competitive parties regarded as essential to democracy. He calls this a quasi-party system. Readers should not be too much put off by the use of Marxist terminology for there is much of interest and for discussion in the book.

## *County Unit Road Administration in Texas*

By T. E. McMILLAN Jnr. Institute of Public Affairs, University of Texas (Austin), 1954. Pp. vii+54. \$1.00.

THE results of a comparative survey of the various types of road administration found in the 254 Texas counties.

## *A Layman's Guide to the Texas State Agencies*

Institute of Public Affairs, University of Texas (Austin), 1954. Pp. v+173 \$1.50.

A REVISED directory of state administrative organisations in Texas.

## *Las Transformaciones del Régimen Administrativo*

By FERNANDO GARRIDO FALLA. Instituto de Estudios Políticos (Madrid), 1954. Pp. 185. 35 Pts.

THIS book, which is based on a series of lectures delivered in 1953 under the auspices of the Institute of Political Studies in Madrid, discusses the changing con-

ceptions of administrative law and the need for adapting legal doctrines and theories in the light of the evolution of political and administrative institutions. The first part of the study deals with the general trends of thought in Western Europe, with particular reference to the views of French and German jurists; the author then proceeds to an analysis of recent developments in Spanish administrative law.

## *Handbook of Graphic Presentation*

By CALVIN F. SCHMID. Ronald Press (New York), 1954. Pp. vii+316. \$6.00.

THIS fully illustrated manual of graphic presentation is intended to provide a working guide for all who are concerned with the presentation and interpretation of statistical data by means of charts and graphs. Each of the basic types of statistical chart is analysed in detail, with particular reference to its advantages and disadvantages for presenting different types of data.

## *The Office of the Philippine President*

By JOHN H. ROMANI. Institute of Public Administration, University of the Philippines (Manila), 1954. Pp. 31.

THE author has made a critical study of the Office of the President, an organisation established to assist the Chief Executive of the Philippines in the discharge of his wide range of duties which include the supervision and control of the affairs both of the national government and of chartered cities, provinces and municipalities. Among the shortcomings of the Office Mr. Romani found the diffusion of lines of authority and a failure to distinguish clearly between line and staff functions.

## RECENT GOVERNMENT PUBLICATIONS

THE following official publications issued by H.M.S.O. are of particular interest to those engaged in, or studying, public administration. The documents are available for reference in the Library of the Institute.

### Bank of England.

Report for the year ended 28th February, 1954. Cmd. 9226. pp. 16. 6d.

### Board of Education.

Handbook of suggestions for the consideration of teachers and others concerned in the work of public elementary schools. pp. 571. 1937, reprinted 1954. Cloth 6s.

### Central Health Services Council.

Report for the year ended 31st December, 1953. H.C. 190. pp. 36. 1s. 6d.

### Central Land Board.

Report for the financial year 1953-1954. H.C. 221. pp. 13. 6d.

### Central Statistical Office.

Economic trends. 2s. monthly.  
Monthly digest of statistics. May, June, July, 1954. 4s. 6d. each.

### Colonial Office.

Annual report on the East Africa High Commission, 1953. Colonial No. 206. pp. 99. 8 illus., map. 1954. 3s. 6d.

Appointments in H.M. Colonial Service. pp. 118. 1954. 3s. General nature of appointments and selection; summary of services covered, and a select bibliography of relevant books.

Corona. Monthly. 1s. 6d. An article in June, 1954, on the Gibraltar Government lottery shows that its profits (now about £1,000,000 a year) more than pay the education bill in Gibraltar.

Digest of colonial statistics. No. 14. May-June, 1954. 5s.

The future of the Overseas Food Corporation. Cmd. 9158. pp. 10. 1954. 6d.

The future of the Overseas Food Corporation (Tanganyika ordinance). Cmd. 9198. pp. 7. 1954. 4d.

Journal of African Administration, July, 1954. 2s. 6d. quarterly. Contains articles on local government in Nyasaland, Tanganyika and Yugoslavia.

Overseas education, July, 1954. 2s. quarterly.

Reorganisation of the Colonial Civil Service. Colonial No. 306. pp. 7. 1954. 4d.

### Council of Industrial Design.

Annual report, 1953-1954. pp. 27. Illus. 1s. 6d.

### Department of Scientific and Industrial Research.

National Physical Laboratory: report for the year 1953. pp. viii, 73. 5 illus. Bibliogs. 1954. 3s.

### Foreign Office.

Treaty series No. 36 (1854). Convention on social insurance between the Government of the U.K. and the Government of Switzerland, Berne. 16th January, 1953. Cmd. 9157. pp. 25 (English and French Text). 1954. 1s.

### General Post Office.

Post Office guide, July, 1954. pp. 512. 2s. 6d. An indispensable work for everyone wanting information on inland and overseas posts, parcels, telegrams, telephone services, savings certificates, money orders, etc.

### General Register Office.

Registrar General's decennial supplement, England and Wales, 1951—Occupational Mortality. Part 1—Deaths in 1950 in certain broad groups of occupations related to population figures. pp. iv, 75. 1954. 7s. 6d.

Registrar General's statistical review of England and Wales for the year 1952. Tables, part II, Civil. pp. viii, 184. 1953. 6s.

### Home Office.

Memorandum on civil defence operational control. pp. 14. 1954. 6d.

Police, counties and boroughs, England and Wales—Report of H.M. Inspectors of Constabulary for the year ended 30th September, 1953. H.C. 161.

# RECENT GOVERNMENT PUBLICATIONS

Report of H.M. Chief Inspector of Fire Services (Counties and County Boroughs, England and Wales) for 1953. Cmd. 9227. pp. 19. 9d.

## House of Commons.

Report of the Select Committee on House of Commons Accommodation, etc. H.C. 184. pp. xxii, 169. 2 illus. 1954. 7s. 6d. The appendices include several interesting papers on the various departments of the House, two of which concern the history of the Library and the amenities it provides for members.

## Medical Research Council.

Report for the year 1952-1953. Cmd. 9184. pp. v, 269. 1954. 7s. 6d. Bibliographies pp. 149-230.

## Ministry of Education.

Education in 1953. Cmd. 9155. pp. viii, 189. 1954. Local authorities, excepted districts and other divisional executives in England and Wales, arranged under geographical areas, with addresses and telephone numbers. pp. 20. 1954. 1s.

## Ministry of Housing and Local Government.

Rates and rateable values in England and Wales, 1953-54. pp. 50. 1954. 3s. Report of an inquiry into the proposed development of Gatwick Airport. Cmd. 9215. pp. 64. 1954. 2s.

## Ministry of Labour and National Service.

Annual report for 1953. Cmd. 9207. pp. vi, 160. 9 illus. Charts. 1954. 5s. Annual report of the Chief Inspector of Factories for the year 1952. Cmd. 9154. pp. 192. 1954. 6s. 6d.

## Ministry of Pensions and National Insurance.

Report for the year 1953. Cmd. 9159. pp. xii, 127. 10 charts. 1954. 4s. 6d.

## Ministry of Transport and Civil Aviation.

London traffic: 28th report of the London and Home Counties Traffic Advisory Committee, 1953. pp. 27. 1954. 1s. 6d.

Railways reorganisation scheme. Cmd. 9191. pp. 22. July, 1954. 9d.

## National Assistance Board.

Report for the year ended 31st December, 1953. Cmd. 9210. pp. 52. 1954. 2s.

## National Coal Board.

Report and accounts for 1953. H.C. 160. pp. viii, 208. Tables, etc. 8s.

National Health Service Acts, 1946 to 1952. Summarised accounts for the year ended 31st March, 1953. H.C. 155. pp. iii, 41, 1954. 2s.

## National Health Service (Scotland) Acts, 1947 to 1952

Summarised accounts for the year ended 31st March, 1953. H.C. 156. pp. 26. 1s. 6d.

## New Towns Acts, 1946 and 1952.

Accounts 1952-1953. H.C. 222. pp. iv, 278. 1954. 9s.

Reports of the East Kilbride and Glenrothes Development Corporations for the year ended 31st March, 1954. H.C. 217. Illus., maps. 1954. 3s.

## Raw Cotton Commission.

Annual report and statement of accounts for the year ended 31st August, 1953. H.C. 172. pp. 56. 1s. 9d.

## Road Haulage Disposal Board.

Second report, for six months ended 25th May, 1954. H.C. 187. pp. 16. 9d.

## Royal Commission on Scottish Affairs, 1952-1954.

Report. Cmd. 9212. pp. 126. 4s. A review, with recommendations, of the arrangements for exercising the functions of H.M. Government in relation to Scotland in regard to the financial, economic, administrative and other considerations involved.

## Royal Commission on the Civil Service.

Minutes of evidence, 4th and 5th days, 25th-26th March, 1954. Civil Service Alliance and Civil Service Union witnesses. pp. 95-148. 2s. 6d.

## Royal Commission on the Civil Service (1953).

Supplement to introductory factual memorandum on the Civil Service (Medical and legal staffs), dated 1st June, 1954, submitted by H.M. Treasury. pp. ii, 13. 1s.

## Scottish Home Department.

Report of H.M. Inspector of Fire Services for Scotland for 1953. Cmd. 9140. pp. 116. 6d.

Report on Prisons in Scotland for the year 1953. Cmd. 9144. pp. 46. 1954. 1s. 9d.

## Select Committee on Estimates, 1953-54.

Third report with minutes of evidence —British Field Products Limited. H.C. 175. pp. vi, 56. 1954. 3s. 6d.

## PUBLIC ADMINISTRATION

Fourth report—The Fire Services. H.C. 194. pp. xvi, 194. 1954. 8s. Recommends the initiation of comprehensive review of risk categories, standards of cover, and of the Fire Services, area by area and at regular intervals.

Fourth special report: Departmental replies—1, Rearmament. 2, The Post Office. H.C. 176. Pp. 15.

Fifth report—Agricultural research. H.C. 218. pp. 148. 1954. 6s. 6d.

### Transport Tribunal Proceedings.

In the matter of the application of the British Transport Commission (1954, No. 3). To confirm the British Transport Commission (Passenger) Charges Scheme, 1954, and Judgment. May to July. 15 days. Price varies for each

day. These minutes of evidence are of the greatest importance to all fare-paying passengers.

### Treasury.

Committee on Departmental Records. Report. Cmd. 9163. pp. 88. 1954. 3s. Main recommendations are that the Public Record Office Acts, 1838 to 1898, should be repealed, that legislation should be enacted to transfer the headship of the Public Record Department from the Master of the Rolls to a Minister of the Crown; to authorise the destruction of records not of sufficient importance to justify their preservation.

Public income and expenditure, year ended 31st March, 1954. H.C. 159. pp. 8. 6d.

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